

STATEMENT OF INFORMATION

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HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE  
ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT  
GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO  
EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON

PRESIDENT OF THE UNITED STATES OF AMERICA

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BOOK VII—PART 1

WHITE HOUSE SURVEILLANCE ACTIVITIES  
and  
CAMPAIGN ACTIVITIES



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## FOREWORD

By Hon. Peter W. Rodino, Jr., Chairman,  
Committee on the Judiciary

On February 6, 1974, the House of Representatives adopted by a vote of 410-4 the following House Resolution 803:

RESOLVED, That the Committee on the Judiciary acting as a whole or by any subcommittee thereof appointed by the Chairman for the purposes hereof and in accordance with the Rules of the Committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

Beginning in November 1973, acting under resolutions referred to the Committee by the Speaker of the House and with a special appropriation, I had begun to organize a special staff to investigate serious charges against the President of the United States.

On May 9, 1974, as Chairman of the Committee on the Judiciary, I convened the Committee for hearings to review the results of the Impeachment Inquiry staff's investigation. The staff began its initial presentation the same day, in executive session, pursuant to the Committee's Impeachment Inquiry Procedures adopted on May 2, 1974.

By June 21, the Inquiry staff had concluded its initial presentation.

On June 25, the Committee voted to make public the initial presentation including substantially all of the supporting material

presented at the hearings. The Committee also voted to make public the President's response, which was presented to the Committee on June 27 and June 28 in the same form and manner as the Inquiry staff's initial presentation.

Statements of information and supporting evidentiary material were compiled by the Inquiry staff in 36 notebooks and furnished in this form to each Member of the Committee. The notebooks presented material on several subjects of the Inquiry: the Watergate break-in and its aftermath, ITT, dairy price supports, domestic surveillance, abuse of the IRS, and the activities of the Special Prosecutors. In each notebook a statement of information relating to a particular phase of the investigation was immediately followed by supporting evidentiary material, which included copies of documents and testimony (much already on public record), transcripts of Presidential conversations and affidavits.

The staff also presented to the Committee written reports on President Nixon's income taxes, Presidential impoundment of funds appropriated by Congress, and the bombing of Cambodia.

The four parts of Book VII include material concerning the following matters:

- (1) the 1969-71 wiretaps of government employees and newsmen;
- (2) the Joseph Kraft wiretap, the Donald Nixon wiretap, and other wiretaps;
- (3) the activities of the White House Special Investigations Unit (the "Plumbers");



- (4) other surveillance activities by White House employees;
- (5) the campaign activities of Donald Segretti and others, and allegations concerning efforts to conceal those activities;
- (6) allegations concerning efforts to conceal the 1969-71 wiretaps and the activities of the White House Special Investigations Unit;
- (7) allegations concerning Presidential contacts with Judge Byrne concerning his appointment as director of the FBI.

Every effort was made to preclude inferences in the presentation of this material. A deliberate and scrupulous abstention from conclusions, even by implication, was observed.

With respect to Presidential recorded conversations, the Committee determined to hear the recorded conversations in their entirety. The Presidential recorded conversations were neither paraphrased nor summarized by the Inquiry staff. Thus, no inferences, or conclusions were drawn for the Committee. During the course of the hearings, Members of the Committee heard each recording and simultaneously followed transcripts prepared by the Inquiry staff. Each of these transcripts is reprinted under the appropriate statement of information.

During the course of the hearings, the Committee found it necessary to issue a subpoena to President Richard Nixon requiring tape recordings of ten Presidential conversations, as well as all papers and things prepared by, sent to, received by or at any time contained in the files of Charles Colson, H. R. Haldeman, John Ehrlichman, Egil Krogh and David Young to the extent that such papers or things related to or referred

directly or indirectly to the origin or to the activities of the White House Special Investigations Unit, including the handwritten notes of John Ehrlichman produced by the White House on June 5 and June 6, 1974 pursuant to an order of the United States District Court in United States v. Ehrlichman (D.C.D.C. Cr. 74-116), and Mr. Ehrlichman's handwritten notes of a meeting on July 12, 1971 among the President, John Ehrlichman and Robert Mardian. The President has not yet responded to this subpoena

In addition, several of the items subpoenaed previously by the Committee were believed to be relevant to the matters dealt with in Book VIII. In response to these earlier subpoenas, the President furnished only edited White House transcripts of 31 of the subpoenaed conversations between March 17 and April 18, 1973. These edited transcripts were summarized by the Inquiry staff and made a part of the evidentiary material presented to the Committee. To the extent that the President declined to comply with the Committee's subpoenas and produce the required material, the record of the Committee now made public in these volumes is incomplete.

In a few instances, Ranking Minority Member Mr. Hutchinson and I determined, pursuant to authority granted us by the Committee, to defer the release of evidentiary material or to delete it for one of the following reasons:

- 1) Because the public interest in making the material public was outweighed by the potential prejudice to the rights of the defendants under indictment and awaiting trial.

2) Because the information was classified or otherwise required confidential treatment,

3) Because the material was only marginally pertinent and was considered to be defamatory, degrading or embarrassing, or,

4) Because the material was not pertinent to Presidential responsibility within the outer limits of an impeachable offense within the meaning of the Constitution.

These eight notebooks contain sensitive documents from the FBI files and executive session testimony before several Congressional committees. For that reason, more deletions and summarizations will be found in this material than in the other material provided to the Committee.

The Committee on the Judiciary is working to follow faithfully its mandate "to investigate fully and completely" whether or not sufficient grounds exist to recommend that the House exercise its constitutional power of impeachment.

I believe that the readers of these volumes will see that the Committee's primary effort in carrying out its mandate has been to obtain an objective, impartial presentation which will enable each Member of the Committee to make an informed judgment in fulfilling his or her constitutional responsibility.

I also believe that the publication of the record of these hearings will provide readers with a clear idea of the particulars of the investigation and that the proximity of the evidence will assure them that no statement of information is offered without supporting evidentiary material.

July 1974

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*NOTE: Book VII is published in four parts. Part 1 contains the entire statement of information and supporting evidentiary material for paragraphs 1-28. Part 2 contains copies of paragraphs 29-67 and the supporting evidentiary materials for those paragraphs. Part 3 contains copies of paragraphs 68-95 and the supporting evidentiary material for those paragraphs. Part 4 contains copies of paragraphs 96-133 and the supporting evidentiary material for those paragraphs.*



## INTRODUCTORY NOTE

The material contained in this volume is presented in two sections. Section 1 contains a statement of information footnoted with citations to evidentiary material. Section 2 contains the same statement of information followed by the supporting material.

Supporting material consists of information obtained at hearings before the Senate Select Committee on Presidential Campaign Activities; information developed in executive session by other Congressional committees; information furnished to the Committee by the Grand Jury of the District of Columbia and by other grand juries; information furnished to the Committee by government agencies; transcripts of tape recordings of conversations among President Nixon and his key associates prepared by the Committee staff; information furnished to the Committee by the President, the Executive Departments of the Government, the Special Prosecutor, and other information obtained by the Committee.

Each page of supporting evidence is labeled with the footnote number and a description of the document or the name of the witness testifying. Copies of entire pages of documents and testimony are included, with brackets around the portions pertaining to the statement of information. Markings on the documents include item numbers and receipt stamps of the House Judiciary Committee and other agencies from which the Committee received material.

In a number of instances, names of persons in sensitive positions have been deleted from documents at the request of the CIA, FBI and other investigative agencies. Some documents contained deletions when the Committee received them.

In the citation of sources, the following abbreviations are used: "SSC" for Senate Select Committee on Presidential Campaign Activities; "SJC" for Senate Judiciary Committee; and "SFRC" for the Senate Foreign Relations Committee.



STATEMENT OF INFORMATION

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WHITE HOUSE SURVEILLANCE ACTIVITIES  
and  
CAMPAIGN ACTIVITIES

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Part 1



1. In early May 1969, following conversations between FBI Director J. Edgar Hoover, Henry Kissinger and Attorney General John Mitchell, the President authorized a specific wiretapping program in an effort to discover the source of leaks of classified government material. Under this program, which remained in effect until February 10, 1971, wiretaps were instituted against thirteen government officials and four newsmen.

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2. In each of the seventeen cases of wiretapping in the program authorized by the President, the FBI wrote to Attorney General Mitchell requesting written authorization after receiving a directive for a tap. In each of the seventeen cases, the Attorney General authorized the wiretap. Mitchell has denied seeing or signing any such authorizations and denied seeing any summaries of wiretap logs.

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3. Although standard Department of Justice procedure required an Attorney General to review national security wiretaps every ninety days in order to reestablish their necessity, Attorney General Mitchell undertook no review of any of the seventeen wiretaps.

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4. Unlike other national security wiretaps, the 1969-71 wiretaps were not entered in the FBI indices. The files and logs of the wiretaps were maintained only in the office of Director Hoover or Assistance Director William Sullivan and no copies were made. Such a procedure was requested by Colonel Alexander Haig when the program began.

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7. In reports sent to the President, Henry Kissinger and H. R. Haldeman, none of the seven NSC employees was established to have been a source of leaked classified information.

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8. In the cases of the four newsmen who were tapped, three were ordered by Colonel Haig. Kissinger has testified that the name of one of these three was presented by FBI Director Hoover to the President as a man who had connections with an allied foreign intelligence service and the decision to place a tap resulted from that presentation. The fourth newsman was a national television commentator. He was wire-tapped at the direction of Attorney General Mitchell. The Attorney General stated that the President requested that the commentator be placed under immediate electronic surveillance following the review by the President of an FBI report about the individual. Mitchell also requested physical surveillance of the commentator, but withdrew this request after being advised by the FBI of the difficulties involved.

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10. Wiretaps were ordered on three White House staff members working in areas unrelated to national security and with no access to National Security Council materials. One wiretap was requested orally of Assistant FBI Director DeLoach by Attorney General Mitchell who represented the order as coming from the President. This tap was specifically denominated as off the record. This White House staff member worked for John Ehrlichman, who received the wiretap reports on him. A wiretap on a second White House staff member was requested orally by Colonel Haig. The third White House staff member was wiretapped at the request of H. R. Haldeman.

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12. Three government employees were tapped in connection with the May 1970 leak of the Cambodian bombing. Two held posts in the State Department at the Ambassadorial level; the third was a high military aide to the Secretary of Defense. All three were tapped at the order of Colonel Haig, who represented that the order for these wiretaps came from the President.

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13. None of the three government employees tapped in connection with the Cambodian bombing story was ever reported by the FBI to have disclosed classified material.

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14. In June 1969, John Ehrlichman directed John Caulfield to have a wiretap installed on the office telephone in the home of Washington newspaper columnist Joseph Kraft. Ehrlichman has testified that he discussed the proposed wiretap with the President, but that he did not know the wiretap was ever instituted. The wiretap was installed by a former Chief of Security for the Republican National Committee with the aid of a Secret Service employee. It remained in place for one week during which Kraft was not at home. Caulfield has testified that Ehrlichman then told him to cancel the operation. At the same time, Deputy FBI Director William Sullivan was ordered by FBI Director Hoover to travel to a European country and arrange for electronic surveillance of Kraft. A 19-page summary of conversations overheard from a surreptitious listening device in Kraft's hotel room was prepared, which was sent to Ehrlichman.

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15. On July 8, 1969 Assistant FBI Director Sullivan reported to Director Hoover that the wiretap on one of the NSC employees produced nothing significant from the standpoint of discovering leaks and recommended that some of the coverage be removed. The tap on that employee was not removed; it remained in place until February 10, 1971, 17 months after the employee resigned as a full-time employee of the NSC, and 9 months after he terminated his relationship as an NSC consultant.

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16. Effective July 1969, Anthony Ulasewicz, a retired New York City policeman, was hired as an investigator by John Ehrlichman, Counsel to the President. From that date until mid-1972, under the direction of Caulfield, Ulasewicz conducted numerous investigations for the purpose of obtaining information of possible political value to the Nixon Administration. His salary and expenses were paid by campaign fundraiser Herbert Kalmbach from political contributions held by Kalmbach.

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17. On or about November 1, 1969 Attorney General Mitchell requested the FBI's views as to the type of coverage to be used on Joseph Kraft. The Domestic Intelligence Division of the FBI recommended "spot" physical surveillance and a survey to determine the feasibility of a telephone wiretap. Subsequently Director Hoover sent to the Attorney General a request that the wiretap be authorized. The spot physical surveillance was initiated on or about November 5, 1969, and continued until December 12, 1969, when it was discontinued as unproductive. The Attorney General never signed an approval of the wiretap and therefore, at that time, no wiretap was instituted.

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18. In or about January 1970 H. R. Haldeman and John Ehrlichman permitted the information contained in one of the summaries of the 1969-71 wiretaps to be used in connection with political action in opposition to persons critical of the Administration's Vietnam policy.

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19. Until May 13, 1970 summaries of "top secret" wiretap material were sent by Director Hoover to the President and to Kissinger. After that date, following a meeting among the President, J. Edgar Hoover and Haldeman, the summaries were sent to Haldeman alone. According to the FBI, there were 37 letters to Kissinger between May 13, 1969 and May 11, 1970; there were 34 letters to the President dated from July 10, 1969 to May 12, 1970; there were 52 letters to Haldeman dated from July 10, 1969 to February 11, 1971; and there were 15 letters to Ehrlichman dated from July 25, 1969 to September 22, 1969.

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20. On June 5, 1970 the President, H. R. Haldeman, John Ehrlichman and Presidential Staff Assistant Tom Huston met with FBI Director J. Edgar Hoover, Defense Intelligence Agency Director Donald Bennett, National Security Agency Director Noel Gayler, and Central Intelligence Agency Director Richard Helms. The President discussed the need for better domestic intelligence operations in light of an escalating level of bombings and other acts of domestic violence. He appointed Hoover, General Bennett, Admiral Cayler, and Helms to be an ad hoc committee to study intelligence needs and restraints. He named Hoover as the chairman and Huston as the White House liaison.

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20.5 House Judiciary Committee summary of Tom Charles Huston testimony, House Armed Services Committee Executive Session, July 9, 1973, 1357-58, 1371-73.	382

21. On June 25, 1970 the Committee completed its report entitled "Special Report Interagency Committee on Intelligence (Ad Hoc)" known as "The Huston Plan." The report included a discussion of the current restraints on intelligence collection with respect to electronic surveillance, mail coverage, surreptitious entry, use of campus informers, use of military undercover agents, and other intelligence-gathering procedures. The Report set forth the arguments for and against maintaining or relaxing existing restraints on the various forms of intelligence collection and of establishing an inter-agency intelligence evaluation committee. Specific options for expanded intelligence operations were set forth for the President's consideration. The Report stated that two of the proposed intelligence-gathering procedures, surreptitious entry and opening first class mail, were illegal. At Director Hoover's insistence, the Report included notations that the FBI objected to proposals for establishing a permanent coordinating committee and for lifting restraints on intelligence collection methods in all categories except legal mail coverage and National Security Agency communications intelligence.

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21.5 President Nixon statement, May 22, 1973, 9 Presi- dential Documents 693-94.....	435

22. During the first week of July 1970 Huston sent the Special Report and a Top Secret memorandum entitled "Operational Restraints on Intelligence Collection" to Haldeman. In the memorandum Huston recommended that the President, from among the options discussed by the Report, select in most areas discussed the option relaxing the restraints on intelligence collection. Huston specifically noted that covert mail covers and surreptitious entries were illegal but nonetheless recommended that the restraints on the use of these techniques be relaxed. Huston justified his recommendation in part on the past practices of the FBI. Huston also recommended the formation of an interagency evaluation committee, as outlined in the Report.

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23. On July 14, 1970 H. R. Haldeman sent a Top Secret memorandum to Huston stating that the President had approved Huston's recommendations for relaxing restraints on intelligence collection. Haldeman requested that a formal decision memorandum be prepared. On or about July 23, 1970 Huston prepared and distributed to the members of the Ad Hoc Committee a Top Secret decision memorandum, with copies to the President and Haldeman, advising of the President's decision to relax the restraints on intelligence gathering by use of the techniques of covering international communications facilities, electronic surveillance and penetrations, illegal mail covers, surreptitious entries, and development of campus sources.

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23.7 Memorandum from Tom Charles Huston to Richard Helms, July 23, 1970 (received from CIA).....	454

24. On or before July 27, 1970, Director Hoover met with Attorney General Mitchell, informed Mitchell for the first time of the June 5, 1970 meeting and the July 23, 1970 decision memorandum, and stated Hoover's opposition to the Plan. Mitchell joined with Hoover in opposing the Plan.

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25. On either July 27 or July 28, 1970 Huston, on instructions from Haldeman, recalled the decision memorandum of July 23, 1970 and requested that the members of the Ad Hoc Committee return their copies to the White House. Haldeman told Huston that Mitchell had called concerning the Plan, that the memorandum would be reconsidered and that Haldeman, Hoover and the Attorney General would meet to discuss the subject. Mitchell has testified that he informed the President and Haldeman of his opposition to the Plan.

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26. In or around August 1970 H. R. Haldeman transferred White House responsibility for matters of domestic intelligence for internal security purposes from Tom Charles Huston to John Dean. On September 17, 1970 Dean and Attorney General Mitchell discussed procedures for commencing a domestic intelligence operation. On September 18, 1970 Dean wrote a memorandum to the Attorney General regarding the establishment of an interagency domestic intelligence unit and the use of an existing group called the Inter-Divisional Information Unit (IDIU) as a cover for the operation of the new unit. Dean recommended that restraints should be removed as necessary to obtain needed intelligence rather than on a blanket basis. Dean informed Mitchell that Haldeman had suggested he would be happy to join Mitchell in a meeting with Hoover.

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26.6 House Judiciary Committee summary of Tom Charles Huston testimony, House Armed Services Committee Executive Session, July 9, 1973, 1415-16.....	496

27. In or before December 1970 the Intelligence Evaluation Committee was created to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence.

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27.2 John Dean testimony, 3 SSC 916, 1064-67.....	500
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28. In the latter part of 1970 the Secret Service installed a wiretap on the telephone of Donald Nixon, the President's brother, in Newport Beach, California, and also instituted physical surveillance. Caulfield was assigned by Ehrlichman to monitor and report to him on the wiretap. Caulfield has testified that the purpose of the surveillance was the concern that Donald Nixon might be involved with persons seeking to use him for improper political influence and thereby embarrass the President. The President has stated that his brother was aware of the surveillance while it was occurring because he asked about it, was told about it, and he approved of it.

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28.1	John Caulfield testimony, SSC Executive Session, March 16, 1974, 30-39, 44-46,.....	508
28.2	President Nixon news conference, November 17, 1973, 9 Presidential Documents 1345, 1351.....	521

29. On February 10, 1971 in the month before Director Hoover was to appear before a House Subcommittee on Appropriations, the FBI terminated the nine wiretaps from the 1969-71 electronic surveillance program which were still in operation.

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29.1 Report by John Sparkman and Clifford Case to the Senate Foreign Relations Committee, 1, 19-20 (received from Senate Foreign Relations Committee).....	568
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29.3 Memorandum from W.C. Sullivan to Tolson, February 10, 1971 (received from Department of Justice).....	572

30. In June 1971 Dwight Chapin, the President's Appointments Secretary, and Gordon Strachan, an aide to H. R. Haldeman, recruited Donald Segretti to disrupt the campaigns of candidates for the Democratic presidential nomination. Shortly thereafter, Haldeman met with Herbert Kalmbach and authorized Kalmbach to pay out of political funds Segretti's salary and expenses, which totaled \$45,000 during the next year.

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30.7 Checks issued to Donald Segretti by Herbert Kalmbach, SSC Exhibit 223, 10 SSC 4311-13.....	588



31. On June 13, 1971 The New York Times published the first installment of excerpts from the History of U.S. Decision-Making Process on Viet Nam Policy, popularly known as the "Pentagon Papers." The Pentagon Papers, prepared in 1967 and 1968 at the direction of the Secretary of Defense, were based largely upon CIA and State and Defense Department documents classified "top secret." On June 15, 1971, at the direction of the President, the government instituted legal actions in an unsuccessful attempt to prohibit further publication of Pentagon Papers material by The New York Times and by The Washington Post which also had gained access to it. On that day, at the request of Attorney General Mitchell, the FBI began an investigation to determine how the newspapers had obtained copies of the Pentagon Papers.

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31.4 John Ehrlichman affidavit, <u>United States v. Ehrlichman</u> , April 26, 1974, 1-10.....	599
31.5 Letter from J. Edgar Hoover to H.R. Haldeman, July 6, 1971 (received from White House) .....	609

32. Following the June 13, 1971 publication of the "Pentagon Papers," Daniel Ellsberg publicly acknowledged copying and releasing the documents. On June 28, 1971 Ellsberg was indicted in California on charges of unauthorized possession of defense information and conversion of government property, the Pentagon Papers.

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32.2 <u>United States v. Ellsberg</u> indictment, June 28, 1971.....	616

33. In the two weeks following the publication of the Pentagon Papers the President met at various meetings with Haldeman, Ehrlichman, Kissinger and Colson. According to Ehrlichman and Colson the participants at these meetings discussed the adverse effect of the publication of the Pentagon Papers upon national security and foreign policy and considered the possibility that Daniel Ellsberg, identified as the probable source of the published papers, possessed additional sensitive information that he might disclose. During this period, White House staff members were told by Assistant Attorney General in charge of the Internal Security Division that some or all of the Pentagon Papers had been delivered to the Soviet Embassy on June 17, 1971.

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34. The President has stated that in the week following the publication of the Pentagon Papers he authorized the creation of a Special Investigations Unit whose principal purpose would be to stop future disclosure of sensitive security matters, and that he looked to John Ehrlichman to supervise that unit. This unit became known as the "Plumbers."

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34.3 John Ehrlichman testimony, Subcommittee of Senate Appropriations Committee Executive Session, May 30, 1973, 288.....	654

35. On June 23, 1971 Haldeman sent several projects to Strachan for implementation. One of the projects envisaged 24-hour-a-day surveillance of Senator Edward Kennedy. Caulfield and Dean objected to this project because of the risks involved and the project was not implemented. Strachan has testified that Dean told him that physical surveillance of Kennedy was in fact conducted on a periodic basis and that Strachan received reports on Kennedy's activities.

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35.2	Gordon Strachan testimony, SSC Executive Session, July 12, 1973, 59-60 .....	658
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36. On June 25, 1971 Colson sent a memorandum to Haldeman in which he analyzed in detail the political ramifications of the publication of the first installments of the Pentagon Papers and government efforts to halt further publication. He considered among other things the political advantages which could accrue to the Administration from the criminal prosecution of Ellsberg.

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36.1 Memorandum from Charles Colson to H. R. Haldeman,  
June 25, 1971 (received from White House) ..... 664

37. During the last week of June 1971 Haldeman and Ehrlichman directed Colson to recommend a person to be responsible for research about the publication of the Pentagon Papers. One of Colson's several candidates for this position was his friend E. Howard Hunt, a retired career CIA agent.

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37.2 Memorandum from Charles Colson to H. R. Haldeman, July 2, 1971 (received from White House) .....	678
37.3 E. Howard Hunt testimony, 9 SSC 3662 .....	679

38. On July 1, 1971 the Internal Security Division of the Justice Department sent a request to the FBI asking whether there was any electronic surveillance involving Daniel Ellsberg. According to the FBI, during the operation of the wiretap program authorized by the President in 1969, Ellsberg had been overheard 15 times on the telephone of Morton Halperin, one of the staff members of the NSC whose telephone was tapped. But no record of this overhearing was maintained in the regular files of the FBI.

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38.1 Memorandum from O.T. Jacobson to Mr. Walters, May 12, 1973, 1, 8a-8b (received from Department of Justice).....	682
38.2 Memorandum from Robert Mardian to J. Edgar Hoover, July 2, 1971 and transmittal, July 3, 1971 (received from Department of Justice).....	685
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38.4 Memorandum from T.J. Smith to E.S. Miller, May 13, 1973, 1, 8 (received from Department of Justice).....	695



39. On July 1, 1971 Colson and Hunt discussed various aspects of the Pentagon Papers matter. This telephone conversation was recorded and transcribed by Colson, and on July 2, 1971 he sent a copy of the transcript to Haldeman with the recommendation that Haldeman meet Hunt.

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39.2 Memorandum from Charles Colson to H.R. Haldeman, July 2, 1971 and transcript of telephone conver- sation between Charles Colson and E. Howard Hunt, July 1, 1971, SSC Exhibit No. 148, 9 SSC 3877-80...	699

40. On July 6, 1971 Colson informed Ehrlichman that White House aide and speech writer Patrick J. Buchanan, Haldeman and Ehrlichman's first choice to head White House efforts on the Pentagon Papers matter, strongly believed he was not the man for the job. Colson urged Ehrlichman to meet with Hunt. On July 8, 1971, Buchanan sent a memorandum to Ehrlichman recommending against the project because, while there were dividends to be derived from "Project Ellsberg," none would justify the magnitude of the investigation being considered. Ehrlichman forwarded this memorandum to Haldeman to read and return.

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40.3	Memorandum from Patrick Buchanan to John Ehrlichman, July 8, 1971 and routing slip from John Ehrlichman to H. R. Haldeman (received from White House).....	707

41. Effective July 6, 1971 Hunt was hired as a White House consultant and assigned the task of studying the Pentagon Papers and the origins of American involvement in the Vietnam war. On the following morning, Colson introduced Hunt to Ehrlichman.

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41.6 John Ehrlichman testimony, Subcommittee of the Senate Appropriations Committee Executive Session, May 30, 1973, 236-37.....	724
41.7 John Ehrlichman log, July 7, 1971 (received from SSC)..<	726

42. On July 7, 1971 Ehrlichman called General Robert Cushman, Deputy Director of the CIA, and informed him that Hunt had been asked by the President to perform special consultant work on security problems and that Hunt might be contacting Cushman sometime in the future for some assistance. Ehrlichman told Cushman he should consider Hunt to have pretty much carte blanche. Prior to the discovery of a transcript of Ehrlichman's conversation with Cushman, in February 1974, Ehrlichman testified that he could not recall this phone call, that he was certain the President did not instruct him to secure CIA aid for Hunt, and that it was not until July 24, 1971 that the President gave him special authority to call on the CIA for assistance in connection with the work of the Special Investigations Unit.

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42.5 House Judiciary Committee summary of John Ehrlichman testimony, House Armed Services Committee Executive Session, June 13, 1973, 647.....	738

43. By memorandum dated July 6, 1971 entitled "More Pentagon Papers," Colson advised Ehrlichman that the Brookings Institution was conducting a study of American involvement in Vietnam; Colson characterized it as potentially another Pentagon Papers. According to Caulfield, a member of Dean's staff, Colson suggested that a fire be started at the Brookings Institution in the course of which the papers could be stolen. Caulfield objected to the plan and reported his objection to Dean. On July 11, 1971 Dean flew to San Clemente and told Ehrlichman that the Brookings Institution plan should be abandoned. Ehrlichman caused the project to be cancelled.

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44. Between July 1 and July 11, 1971 Assistant FBI Director William Sullivan told Robert Mardian, Assistant Attorney General for Internal Security, that Sullivan had possession of the files and logs of the 1969-71 wiretaps, and that the taps were not entered in the FBI indices. Mardian has testified that Sullivan indicated to him that the files were extremely sensitive, that Sullivan was likely to be forced out of the FBI by Director Hoover with whom he had disagreed on FBI policy, and that he desired to turn over the logs to Mardian so that Hoover could not use them against the White House. On July 11, 1971, after seeking the advice of Attorney General Mitchell about what to do about the logs and files, Mardian flew to San Clemente, California on a military courier flight to report to the President.

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44.3 Robert Mardian testimony, 6 SSC 2392-93, 2404-05, 2407.....	766
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45. On July 12, 1971 Robert Mardian met with the President and John Ehrlichman and related William Sullivan's concerns about the wiretap files and logs. The President directed Mardian to obtain the 1969-71 files and to deliver them to Ehrlichman. Mardian was also directed to verify that the copies of summaries sent to Kissinger and Haldeman were secure.

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45.2 John Ehrlichman testimony, 6 SSC 2533-34.....	781
45.3 Robert Mardian interview, FBI, May 10, 1973, 1, 3-4 (received from Department of Justice).....	783

46. On July 13, 1971 the FBI reported to the Assistant Attorney General, Internal Security Division of the Department of Justice, that a review of the records of the FBI revealed that no conversations of Daniel Ellsberg had been monitored by electronic surveillance devices. On July 16, 1971 the FBI reported there had been no direct electronic surveillance of Morton Halperin.

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46.2	Memorandum from Director, FBI to Assistant Attorney General of Internal Security Division, July 16, 1971 (received from Department of Justice).....	791



47. On or about July 17, 1971 Ehrlichman assigned Egil Krogh, a member of Ehrlichman's staff, and David Young, who was then serving on the staff of the National Security Council, as co-chairmen of the Special Investigations Unit.

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47.5 Organizational chart from files of the Special Investigations Unit, undated (received from the White House).....	814

48. In the week following July 17, 1971 Krogh recruited Gordon Liddy, an ex-FBI agent, for the Special Investigations Unit, and Colson instructed Hunt to report to that unit. Office space, equipped as a high security area with a special alarm system and a scrambler telephone was made available in the Executive Office Building.

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48.4 Charles Colson testimony, Subcommittee of the Senate Appropriations Committee Executive Session, June 19, 1973, 453-54.....	824

49. During the period from July 1971 to December 1971 Ehrlichman authorized Gordon Liddy to conduct an unspecified number of wiretaps on persons whose names have not been disclosed.

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49.1 John Ehrlichman testimony, 6 SSC 2535..... 828

50. Charles Colson's responsibility with respect to the Special Investigations Unit was to disseminate the information obtained by the Unit. In this connection, Colson prepared memoranda to Ehrlichman concerning efforts undertaken to encourage Congress to hold hearings on the Pentagon Papers matter.

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50.6 Memorandum for the record from David Young, July 20, 1971 (received from White House).....	837
50.7 Memorandum from Charles Colson to John Ehrlichman, July 26, 1971 (received from White House).....	841

51. On July 22, 1971 Howard Hunt met CIA Deputy Director Cushman and asked for CIA aid in connection with an interview Hunt was going to have with an unidentified person. The CIA provided Hunt with, among other things, material for physical disguise and voice alteration, and "alias" identification in the name of "Edward Warren." The material furnished to Hunt was intended to be used by Hunt to interview one Clifton DeMotte who was believed to have information reflecting unfavorably on certain members of the Kennedy political grouping.

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51.3 E. Howard Hunt testimony, 9 SSC 3677.....	853
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51.6 Robert Cushman testimony, Subcommittee of the Senate Appropriations Committee Executive Session, May 11, 1973, 158-59.....	860

52. On July 24, 1971 commencing at 12:36 p.m., the President held a meeting with Ehrlichman and Krogh. The day before The New York Times had published a story revealing details of the U. S. negotiating position in the Strategic Arms Limitation (SALT) talks then in progress. At the July 24 meeting there was a discussion of efforts to identify the source of the SALT leak and the use of a polygraph on State Department personnel suspected of being the source of the leak.

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52.2	Tape recording of meeting among the President, John Ehrlichman and Egil Krogh, July 24, 1971, 12:36 to 12:48 p.m., and House Judiciary Committee transcript thereof.....	867

53. Following the meeting among the President, Ehrlichman and Krogh the Special Investigations Unit conducted an investigation of the SALT leak, and received the assistance of the CIA in obtaining polygraph equipment and operators.

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53.4 House Judiciary Committee summary of CIA Director of Security testimony, Subcommittee of the House Armed Services Committee Executive Session, May 24, 1973, 393.....	895

54. Sometime prior to July 27, 1971 Young asked the Director of Security of the CIA to have a psychological profile of Ellsberg prepared. The project was personally authorized by CIA Director Helms. Young told both Helms and the CIA Director of Security that it was Ehrlichman's wish that the CIA undertake the project. By memorandum dated July 27, 1971 Young and Krogh advised Ehrlichman that preparation of the profile was underway.

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54.3 Memorandum from Egil Krogh and David Young to John Ehrlichman, July 27, 1971 (received from White House).....	905
54.4 Richard Helms testimony, 8 SSC 3235.....	909



55. Hunt sent a memorandum dated July 28, 1971 to Colson entitled "Neutralization of Ellsberg." Hunt proposed the building of a file on Ellsberg to contain all available overt, covert and derogatory information in order to determine how to destroy Ellsberg's public image and credibility. Hunt suggested that Ellsberg's psychiatric files be obtained. Hunt suggested a CIA psychological assessment/evaluation on Ellsberg. Colson has testified that he forwarded Hunt's memorandum to Krogh. By memorandum dated August 3, 1971 Young reported to Colson that the psychological profile and certain other items mentioned in Hunt's memorandum were already underway and that the other suggestions in Hunt's memorandum were under consideration.

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56. In August 1971 William Sullivan delivered to Robert Mardian the files and logs respecting the 1969-71 wiretaps and the FBI surveillances on Joseph Kraft. Shortly thereafter Mardian delivered these records to the White House. According to Mardian, when the materials were delivered by him to the White House Henry Kissinger and Alexander Haig were present and assured themselves that the summaries of wiretap information were identical to the summaries that Kissinger had previously received. A similar check was made with Haldeman as to summaries sent to him. Mardian has stated that two of the summaries sent to Haldeman were missing from Haldeman's records. Mardian then delivered the files and wiretap logs to the Oval Office of the White House.

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57. On July 29, 1971 the President sent a letter to FBI Director Hoover asking him to furnish Krogh with files containing material about the investigation of Ellsberg and the Pentagon Papers. In response, on August 3, 1971, Hoover sent Krogh copies of FBI interviews and other material. In connection with its investigation of the disclosure and publication of the Pentagon Papers, the Special Investigations Unit also from time to time received information from the Department of Defense, the Department of State and other government agencies.

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58. In the week prior to August 5, 1971 Krogh, Young, Hunt and Liddy discussed information that the FBI had sought to interview Ellsberg's psychiatrist, Lewis Fielding, but that Fielding had refused to discuss anything involving any of his patients. There was discussion about someone going into Fielding's office to find whatever information there was about Ellsberg. Liddy said that when he was in the FBI he had been involved in an entry operation. There was discussion of whether Cuban Americans who had worked with Hunt on the Bay of Pigs invasion might be available to make the actual entry into Fielding's office.

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59. On or about August 5, 1971 Krogh and Young reported to Ehrlichman that the FBI had been unable to gain access to Fielding's files on Ellsberg. They told Ehrlichman that to examine these records something other than regular channels through the FBI or through the ongoing agencies would have to be undertaken. Krogh told Ehrlichman that there were individuals in the unit and individuals available who had professional experience in this kind of investigation. Ehrlichman said that he would think about it. Ehrlichman has stated that he discussed with the President the need to send Hunt and Liddy to California to pursue the Ellsberg investigation and the President responded that Krogh should do whatever was necessary to get to the bottom of the matter -- to learn Daniel Ellsberg's motive and potential for further action.

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59.5	John Ehrlichman log, July 29, 1971 and August 5, 1971 (received from SSC).....	1002

60. According to a document in the file of the Special Investigations Unit entitled "Specific Projects as of August 10, 1971," in addition to the investigation of Ellsberg and the Pentagon Papers and the SALT disclosure, the Unit undertook projects with respect to an analysis of leaks, press regulations, classification and declassification systems, the cancellation of software contracts and a polygraph study.

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60.1 Document entitled "Specific Projects as of August 10, 1971" from the files of the Special Investigations Unit (received from White House).... 1006

61. On August 11, 1971 the CIA delivered to Krogh and Young a psychological profile on Ellsberg dated August 9, 1971. On the same day Krogh and Young submitted a written status report to Ehrlichman on the entire Pentagon Papers project. The report referred to the psychological profile of Ellsberg that had been received, but stated that Krogh and Young considered it to be superficial. Krogh and Young recommended that a covert operation be undertaken to examine all the medical files still held by Ellsberg's psychoanalyst covering the two year period in which Ellsberg was undergoing analysis. Ehrlichman stated his approval of the recommendation if done with Krogh and Young's assurance that it was not traceable. Copies of the August 11 status report which were furnished by the White House to the House Judiciary Committee had the paragraph recommending a covert operation and Ehrlichman's approval deleted.

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62. By memorandum dated August 11, 1971 Young contacted the State Department to enable Hunt to review and obtain copies of State Department cable files covering Vietnam during 1963. At an earlier date shortly after Hunt was employed at the White House, Hunt and Colson had talked to Colonel Lucien Conein, a retired CIA employee formerly stationed in Vietnam who was familiar with the events leading up to the overthrow and death of South Vietnamese President Diem in 1963. Hunt has testified that on the basis of material in the State Department files and apparent omissions from the files he concluded that there was reason to believe that the Kennedy Administration had been implicitly responsible for the assassination of Diem and his brother. Hunt fabricated cables designed to implicate the Kennedy Administration in the deaths. Hunt then took steps to have the cables publicized. Hunt has testified that he was acting under the instructions of Colson. Colson has denied this. The copies of the State Department cables and the forged cables were taken from Hunt's safe in June 1972 and delivered to L. Patrick Gray, who later destroyed them.

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62.4	E. Howard Hunt testimony, 9 SSC 3667-70, 3672-73, 3732-33, 3771-72.....	1042
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62.10	William Lambert interview, SSC, August 7, 1973, 1, 3-7 (received from SSC).....	1070
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63. On August 12, 1971 Young, Hunt and Liddy met with the CIA staff psychiatrist who had directed the preparation of the Ellsberg psychological profile to discuss further development of the profile. Young told the psychiatrist of Ehrlichman's and Kissinger's personal interest in the profile and stated that the President had been informed of the study.

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63.1	CIA staff psychiatrist affidavit, May 9, 1973, 1-4 (received from CIA).....	1082
63.2	CIA staff psychiatrist testimony, Subcommittee of the Senate Appropriations Committee Executive Session, May 10, 1973, 111-12.....	1090
63.3	E. Howard Hunt testimony, 9 SSC 3805-06.....	1092

64. In discussions in mid-August 1971 concerning the plan to gain access to Dr. Fielding's files on Ellsberg, Krogh and Young told Hunt and Liddy not to be present when the operation was executed because of their association with the White House. During this period Hunt went to Miami, Florida where he recruited Bernard Barker for the operation. Barker had worked with Hunt in connection with the Bay of Pigs invasion. Barker then recruited Felipe DeDiego and Eugenio Martinez, who had participated in intelligence work with Barker on previous occasions.

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65. On or about August 19, 1971 Daniel Schorr, a television commentator for CBS News, was invited to the White House to meet with Presidential aides in connection with an allegedly unfavorable news analysis by Schorr of a Presidential speech. Thereafter, while traveling with the President, Haldeman directed Lawrence Higby, one of his aides, to obtain an FBI background report on Schorr. The FBI, following Higby's request, conducted an extensive investigation of Schorr. The FBI immediately interviewed 25 persons in seven hours, including members of Schorr's family, friends, employers, and the like. Schorr never consented to such an investigation. Following public disclosure of the investigation, the White House stated that Schorr was investigated in connection with a potential appointment as an assistant to the Chairman of the Environmental Quality Council. He was never appointed. Haldeman has testified that Schorr was not being considered for any federal appointment and that he could not remember why the request was made.

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66. On August 19, 1971 Krogh and Young informed Ehrlichman that Colson had been instructed by the President to get something out on the Pentagon Papers. On August 24, 1971 Ehrlichman forwarded to Colson a memorandum on Leonard Boudin, Daniel Ellsberg's attorney, which was prepared by Howard Hunt. Colson released the Hunt memorandum to a newspaper reporter.

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66.5 <u>United States v. Colson</u> information, June 3, 1974...	1139
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67. On August 25, 1971 Hunt requested and received from the CIA alias identification and disguise material for Liddy and a camera concealed in a tobacco pouch. Later that day Hunt and Liddy flew to Los Angeles for the purpose of obtaining information about Ellsberg and the Pentagon Papers disclosure. While in Los Angeles Hunt and Liddy sought to determine the feasibility of an operation to gain access to Dr. Fielding's files. Hunt and Liddy took photographs of the interior and exterior of Dr. Fielding's office. Upon Hunt's return from Los Angeles on either August 26 or 27, 1971 a CIA employee met Hunt at the airport, had the film processed and returned the prints to Hunt the same day. Hunt and Liddy showed the photographs to Krogh and Young and reported that a surreptitious entry was feasible.

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68. On August 26, 1971 Young sent a memorandum to Ehrlichman stating that the plan was to develop slowly a negative picture around the whole Pentagon study affair (preparation to publication) and to identify Ellsberg's associates and supporters on the new left with this negative image. The memorandum referred to material to be developed from the present Hunt/Liddy Project #1. The memo stated that it would be absolutely essential to have an overall game plan developed for its use in conjunction with a Congressional investigation. On the following day Ehrlichman sent a memorandum to Colson requesting a game plan for the use of materials obtained from Hunt/Liddy Special Project #1.

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68.5 Charles Colson testimony, Grand Jury, <u>People v. Ehrlichman</u> , June 8, 1973, 648-49 (received from Los Angeles County Grand Jury).....	1222

69. On August 27, 1971 CIA Deputy Director Cushman telephoned Ehrlichman to request that Hunt be restrained in his requests to the CIA for further assistance. Hunt had requested from the CIA such items as a stenographer, credit cards, and an office in New York with a phone listed in New York that could be monitored in Washington. Ehrlichman agreed that the CIA need not meet Hunt's additional requests.

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69.4 CIA employee affidavit, May 18, 1973 (received from CIA).....	1232



70. Krogh and Young have testified that they telephoned Ehrlichman at Cape Cod on or about August 30, 1971 and reported that Hunt and Liddy had returned from California and reported that a covert operation could be undertaken and would not be traceable. Ehrlichman gave his approval. Ehrlichman has testified that he does not recall receiving this telephone call.

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70.4 John Ehrlichman log, August 29-September 5, 1971 (received from SSC).....	1246

71. Prior to September 2, 1971 either Krogh (according to Krogh) or Ehrlichman (according to Colson) requested Colson to obtain \$5,000. The money was to be used to finance the Fielding operation. Colson requested Joseph Baroody, a Washington public relations consultant, to deliver \$5,000 to Krogh who turned it over to Liddy. Several weeks later Colson caused Baroody to be repaid with \$5,000 from a political contribution by a dairy industry political organization.

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71.6 Joseph Baroody affidavit, submitted to the SSC, January 30, 1974 (received from SSC).....	1265
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71.8 Marion Harrison testimony, SSC Executive Session, December 4, 1973, 43-45 (received from SSC).....	1272

72. On or about September 2, 1971 Hunt and Liddy flew to Chicago where they purchased cameras and walkie-talkies. Then they flew to Los Angeles where they met Barker, Martinez and DeDiego and purchased a crow bar, glass cutter, and other burglary tools. On the night of September 3, 1971, Barker, Martinez and DeDiego entered Dr. Fielding's office by breaking a first floor window of the building and breaking open the door to Dr. Fielding's second floor office. The file cabinets and desk in Dr. Fielding's office were broken into and searched. Liddy maintained a watch outside the building while Hunt, who was in communication by walkie-talkie, watched Dr. Fielding's residence. Barker, Martinez and DeDiego have testified that they did not locate any file on Ellsberg and that no information was obtained. Dr. Fielding has testified that his file cabinet had been broken into and the file on Ellsberg withdrawn.

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72.5	Lewis Fielding testimony, Grand Jury, <u>People v. Ehrlichman</u> , June 5, 1973, 93-94 (received from Los Angeles County Grand Jury).....	1293
72.6	Lewis Fielding affidavit, <u>United States v. Russo</u> , April 29, 1973.....	1295

73. On or about September 7, 1971 Hunt and Liddy delivered reports to Krogh and Young which included photographs of the physical damage to Dr. Fielding's office. Hunt and Liddy recommended a further operation to seek the files at Dr. Fielding's home. Krogh reported these facts to Ehrlichman. Ehrlichman has testified that the action far exceeded the authorization he had given and disapproved any further covert activity. On the same day Hunt testified that he sought to discuss the entry into Fielding's office with Colson. Colson testified he declined to discuss the matter.

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73.5 Charles Colson testimony, Grand Jury, <u>People v. Ehrlichman</u> , June 8, 1973, 660-61 (received from Los Angeles County Grand Jury).....	1331

74. At 10:45 a.m. on September 8, 1971 Ehrlichman met with Krogh and Young and they discussed the Fielding break-in. At 1:45 that afternoon Ehrlichman telephoned the President and between 3:26 p.m. and 5:10 p.m. Ehrlichman met with the President. Ehrlichman has testified that he did not tell the President about the Fielding break-in. On September 10, 1971 Ehrlichman met with the President from 3:03 to 3:51 p.m. and at 4:00 p.m. Ehrlichman met with Krogh and Young.

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74.2	Meetings and conversations between the President and John Ehrlichman, September 8 and September 10, 1971 (received from White House).....	1335
74.3	John Ehrlichman log, September 8 and September 10, 1971 (received from SSC).....	1336

75. In August or September 1971, Caulfield submitted to John Dean a written proposal for a political intelligence operation entitled Operation Sandwedge with a budget of \$511,000. The proposal specified both clandestine offensive and defensive operations, including a black bag capability. The budget included an item of \$15,000 for Equipment-Electronic Surveillance. During September and October 1971, Strachan informed Haldeman that the proposal had been considered by Dean and Attorney General Mitchell. Haldeman instructed Strachan to arrange a meeting with Mitchell to discuss pending matters including the Sandwedge plan. On November 4, 1971 Haldeman, Mitchell, Magruder and Strachan discussed the plan. Operation Sandwedge was never instituted. On November 24, 1971 Mitchell discussed with Caulfield a position at CRP.

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75.7	Gordon Strachan testimony, SSC Executive Session, July 12, 1973, 26-27, 61 .....	1365
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75.9	John Mitchell log, November 4 and 24, 1971 (received from SSC) .....	1369
75.10	Memorandum from Gordon Strachan to H. R. Haldeman, December 2, 1971 (received from White House) .....	1372

76. Between September 1971 and June 16, 1972 Donald Segretti hired operatives to infiltrate the campaigns of various Democratic candidates, placed Senator Edmund Muskie under physical surveillance, disrupted campaign activities, and printed false and scurrilous materials attributed to various Democratic candidates. These publications, in violation of 18 U.S.C. Section 612, were mailed by Segretti to Dwight Chapin, the President's appointments secretary. During this same period, CRP employed individuals to infiltrate the Muskie, Humphrey and McGovern campaign staffs. These individuals were assigned code names such as Sedan Chair II and Fat Jack and supplied documents and intelligence information about the Democratic campaigns. Strachan has testified that a Sedan Chair II report was included in a Political Matters Memorandum sent by Strachan to Haldeman.

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76.5 Gordon Strachan testimony, 6 SSC 2458-59.....	1387
76.6 Donald Segretti testimony, 10 SSC 3994, 3997.....	1389



77. On November 1, 1971 John Ehrlichman was informed by Egil Krogh and David Young in a memorandum that the prosecution of Daniel Ellsberg would be more difficult because (1) Ellsberg gave classified information to the press, not to a foreign power, (2) a few months after Ellsberg went public, the Department of Defense published virtually the same materials, and (3) there had been no apparent damage as a result of Ellsberg's disclosures.

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77.1 Memorandum from Egil Krogh and David Young to  
John Ehrlichman, November 1, 1971 with attach-  
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78. Prior to November 9, 1971 members of the Plumbers Unit had conversed with the CIA staff psychiatrist who had directed the preparation of the Ellsberg psychological profile, and had sent materials to the CIA to be used in the development of that profile. On November 9, 1971 CIA Director Richard Helms wrote to David Young stating that the CIA's involvement in preparation of the Ellsberg profile should not be revealed in any context. On November 12, 1971 the CIA delivered to the Plumbers an expanded psychological profile of Daniel Ellsberg.

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78.3 Letter from Richard Helms to David Young, November 9, 1971 (received from CIA).....	1412
78.4 CIA assessment of Daniel Ellsberg delivered to David Young in early November 1971 (received from CIA).....	1414

79. On December 14, 1971 after publication in a newspaper column of facts about the U. S. position on the India-Pakistan War, Krogh and Young were assigned to investigate the disclosure. Krogh was dropped from the Unit on December 20, 1971 after he refused to authorize specific wiretaps. Subsequently, four FBI wiretaps were authorized and instituted, and Young pursued the investigation that coincidentally uncovered the fact that classified documents were being passed to the Joint Chiefs of Staff from the military liaison office at the National Security Council in the White House. The FBI files contain no written instructions or authorization from either the Attorney General or the White House. The records of these taps were kept completely isolated from regular FBI files, and they were not entered in the electronic surveillance indices. Young rendered a report on the investigation in early January 1972, but the taps continued past that date, the last being terminated June 20, 1972. The liaison office was abolished.

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79.4 <u>Washington Post</u> , December 13, C23, and December 14, 1971, B15.....	1430
79.5 Egil Krogh statement, January 3, 1974, 7.....	1432
79.6 E. S. Miller interview, FBI, May 10, 1973, 1, 3, with attachment dated February 26, 1973 (received from Department of Justice).....	1433

80. On or about December 14, 1971 Gordon Liddy left the White House staff to become counsel to CRP and then later to FCRP.

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80.1 Memorandum from Gordon Strachan to H. R. Haldeman, December 6, 1971 (received from White House).....	1442

81. On December 29, 1971, a fifteen count indictment of Daniel Ellsberg was filed alleging violations of the conspiracy statutes, and statutes prohibiting the unauthorized distribution of classified information and misappropriation of government property. No counts were included alleging the transmission of documents to a foreign country or representatives of a foreign country because evidence was not developed to support such a charge.

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81.2 David Nissen affidavit in response to oral interrogatories, March 14, 1974, 27-28.....	1475

82. On December 30, 1971 Attorney General John Mitchell received a letter from Ehrlichman renewing Ehrlichman's suggestion that the Attorney General consider a voluntary non-suit of the Ellsberg prosecution.

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82.1 Memorandum from John Ehrlichman to John Mitchell,  
December 29, 1971, with attached memorandum  
of December 27, 1971, (received from Department  
of Justice).....1478

83. On February 11, 1972 at the direction of Haldeman and Attorney General John Mitchell, Gordon Liddy and Howard Hunt met with Donald Segretti in Miami to review Segretti's activities. This meeting was in response to a memorandum sent to Haldeman and Mitchell entitled "Matter of Potential Embarrassment" prepared by Jeb Magruder, which stated that Segretti should be under Liddy's control. This memorandum was destroyed by Gordon Strachan on June 20, 1972. Hunt has testified that he and Liddy recommended that Segretti's operation be terminated, but that their recommendation was overruled.

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83.1 E. Howard Hunt testimony, 9 SSC 3769-71.....	1482
83.2 Donald Segretti testimony, 10 SSC 3983.....	1485
83.3 Gordon Strachan testimony, 6 SSC 2458-59.....	1486
83.4 Memorandum from Dwight Chapin, November 5, 1972, <u>United States v. Chapin</u> transcript, April 3, 1974, 424-28.....	1488
83.5 Dwight Chapin testimony, <u>United States v. Chapin</u> , April 3, 1974, 496-97.....	1493

84. On May 27, and June 17, 1972 five men under the supervision of Liddy and Hunt, entered the offices of the DNC at the Watergate office building for the purpose of gathering political intelligence and effecting electronic surveillance. Two of these five, Bernard Barker and Eugenio Martinez, had participated with Liddy and Hunt in the break-in at the offices of Daniel Ellsberg's psychiatrist.

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84.3 Eugenio Martinez testimony, Grand Jury, People v. Ehrlichman, June 5, 1973, 382- 83 (received from Los Angeles County Grand Jury) .....	1501



85. On or about June 8, 1972 in the course of pretrial proceedings in the Ellsberg case, the Government, in response to an order of the Court, stated in an affidavit which was filed in the case that there had been no electronic surveillance of conversations of Daniel Ellsberg. This statement was repeated in affidavits filed on December 14, 1972 and February 23, 1973.

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86. On June 20 or 21, 1972 Fred LaRue, Special Assistant to CRP Campaign Director John Mitchell, and Robert Mardian, an official of CRP acting as its counsel, met in LaRue's apartment with Gordon Liddy. Liddy told LaRue and Mardian that certain persons involved in the Watergate break-ins previously had been involved in operations of the White House "Plumbers" unit, including the entry into the offices of Daniel Ellsberg's psychiatrist. Liddy told Mardian and LaRue that commitments for bail money, maintenance and legal services had been made to those arrested in connection with the DNC break-in and that Hunt felt it was CRP's obligation to provide bail money and to get his men out of jail.

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86.1 Fred LaRue testimony, 6 SSC 2286-89, 2309 .....	1514
86.2 Robert Mardian testimony, 6 SSC 2357-59. ....	1519

87. On or about June 21, 1972 Mardian and LaRue met with John Mitchell and told him of their meeting with Liddy, including Liddy's statements about the break-in into the office of Daniel Ellsberg's psychiatrist. Mitchell was also advised of Liddy's request for bail money and of Liddy's statement that he got his approval in the White House. Mitchell instructed Mardian to tell Liddy that bail money would not be forthcoming. Mitchell has testified that he refrained from advising the President of what he had learned because he did not think it appropriate for the President to have that type of knowledge, and that he believed that knowledge would cause the President to take action detrimental to the campaign and that the best thing to do was just to keep the lid on through the election.

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87.1 Fred LaRue testimony, 6 SSC 2288.....	1524
87.2 Robert Mardian testimony, 6 SSC 2363.....	1525
87.3 John Mitchell testimony, 4 SSC 1621-22, 1628, 1643-44, 1660.....	1526

88. On June 23, 1972 H. R. Haldeman met with the President. The President directed Haldeman to meet with CIA Director Richard Helms, Deputy CIA Director Vernon Walters and John Ehrlichman. The President directed Haldeman to discuss White House concern regarding possible disclosure of covert CIA operations and operations of the White House Special Investigations Unit (the "Plumbers"), not related to Watergate, that had been undertaken previously by some of the Watergate principals.

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88.1	H. R. Haldeman testimony, Senate Appropriations Subcommittee Executive Session, May 31, 1973, 353-54.....	1534
88.2	President Nixon statement, May 22, 1973, 9 Presidential Documents 693, 696.....	1536
88.3	H. R. Haldeman testimony, 8 SSC 3040-41.....	1538
88.4	H. R. Haldeman testimony, 7 SSC 2884.....	1540

89. On or before June 25, 1972, immediately after the FBI had contacted Donald Segretti as part of the Watergate investigation, John Dean met with Segretti in the EOB to advise Segretti on how to deal with his impending FBI interview. In this meeting, arranged by Dwight Chapin and Gordon Strachan, Dean told Segretti not to reveal his relationship with Chapin, Strachan or Herbert Kalmbach to the FBI, if possible, and during the subsequent FBI interviews, Segretti withheld this information. A copy of the interview summary FBI 302 form was given to Dean by the FBI. In July 1972 Chapin instructed Segretti to destroy his records.

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89.2 John Dean testimony, 3 SSC 962-63.....	1545
89.3 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, 224-25, 305-06.....	1547
89.4 FBI memorandum from Charles Bolz to Charles Bates, October 12, 1972, 1-2 (received from SSC).....	1551
89.5 Dwight Chapin testimony, <u>United States v. Chapin</u> , April 3, 1974, 539-41.....	1553

90. On or about June 27, 1972 John Dean and Fred Fielding, his assistant, delivered to FBI agents a portion of the materials from Howard Hunt's safe. The materials given to the FBI agents included top secret diplomatic dispatches relating to Vietnam. The portion withheld from the FBI agents included fabricated diplomatic cables purporting to show the involvement of the Kennedy administration in the fall of the Diem regime in Vietnam, memoranda concerning the Plumbers unit, a file relating to an investigation Hunt had conducted for Charles Colson at Chappaquidick, and two notebooks and a pop-up address book.

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90.1 John Dean testimony, 3 SSC 937-38, 948.....	1558
90.2 Fred Fielding deposition, <u>Democratic National Committee v. McCord</u> , May 15, 1973, 15, 34-35.....	1561
90.3 FBI inventory of contents of E. Howard Hunt's safe, SJC, Gray Nomination Hearings, 329-30.....	1564
90.4 Richard Ben-Veniste statement, November 5, 1973, <u>United States v. Hunt</u> , 3-5.....	1566

91. On or about June 28, 1972 John Dean was informed that the FBI was attempting to interview Kathleen Chenow, who was the secretary of David Young and Egil Krogh when they were active as part of the White House Special Investigations Unit. Dean has testified that he informed John Ehrlichman of problems connected with Chenow's interview and Ehrlichman agreed that before her FBI interview Chenow should be briefed not to disclose the activities of Howard Hunt and Gordon Liddy while at the White House. On June 28, 1972 Dean telephoned Acting FBI Director Gray and requested that Chenow's interview be temporarily held up for reasons of national security. Gray agreed to the request.

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91.1 John Dean testimony, 3 SSC 941.....	1570
91.2 E. Howard Hunt testimony, SSC Executive Session, May 14, 1973, 311-12.....	1571
91.3 L. Patrick Gray testimony, 9 SSC 3455-56.....	1573

92. On June 28, 1972 L. Patrick Gray met with John Ehrlichman and John Dean. At this meeting Gray was given two folders containing documents which he was told had been retrieved from E. Howard Hunt's safe and had not been delivered to FBI agents when the remainder of the contents of the safe was delivered on June 27, 1972. Gray was told that these documents were politically sensitive, were unrelated to Watergate, and should never be made public. Gray destroyed these documents in December 1972. Dean did not deliver to Gray the two notebooks and pop-up address book that had been found in Hunt's safe; Dean has related that he discovered these items in a file folder in his office in late January 1973, at which time he shredded the notebooks and discarded the address book.

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92.1	John Ehrlichman log, June 28, 1972 (received from SSC).....	1576
92.2	L. Patrick Gray testimony, 9 SSC 3467-68.....	1577
92.3	John Ehrlichman testimony, 7 SSC 2835-36.....	1579
92.4	John Ehrlichman testimony, 6 SSC 2614.....	1581
92.5	John Dean testimony, 4 SSC 1362-65.....	1582
92.6	Richard Ben-Veniste statement, November 5, 1973, <u>United States v. Hunt</u> , 3-4.....	1586



93. In the summer of 1972 after Segretti had terminated his activities, Chapin met with Segretti in California. Segretti has testified Chapin told him to keep several thousand dollars of advanced expense money as a bonus. They also discussed the possibility of Chapin's finding Segretti a job.

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93.1	Donald Segretti testimony, <u>United States v. Chapin</u> , April 2, 1974, 338-40. ....	Page 1590
93.2	Dwight Chapin testimony, <u>United States v. Chapin</u> , April 3, 1974, 539-40. ....	1593

94. In August 1972 Chapin arranged for Dean to meet with Segretti prior to his appearance before the Watergate Grand Jury. Dean advised Segretti again to withhold the names of Chapin, Strachan, and Kalmbach before the Grand Jury, if possible, but told him not to lie. On the basis of a call from Dean, Assistant Attorney General Henry Petersen instructed Assistant U. S. Attorney Earl Silbert to confine his questioning of Segretti to Watergate and Segretti's contacts with Hunt, and not to ask him about his contacts with Kalmbach.

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94.1 John Dean testimony, 3 SSC 963-64 .....	1596
94.2 Donald Segretti testimony, 10 SSC 4047-49 .....	1598
94.3 Henry Petersen testimony, 9 SSC 3620-21 .....	1601

95. On August 28, 1972 Egil Krogh appeared and testified falsely before the Watergate Grand Jury that he had no knowledge that Howard Hunt had traveled any place other than Texas while he was working on the declassification of the "Pentagon Papers." He also testified falsely that he knew of no trips to California "for the White House" by Gordon Liddy.

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95.1 <u>United States v. Krogh</u> indictment, October 11, 1973.....	1604
95.2 <u>United States v. Krogh</u> information, November 30, 1973.....	1608
95.3 <u>United States v. Krogh</u> docket, November 30, 1973.....	1612

96. After an October 10, 1972 newspaper story disclosed Segretti's activities, Segretti met with Dean at the EOB. On October 11, according to Dean, at Ehrlichman's suggestion he told Segretti to go underground until after the election. On October 13, 1972 Chapin, Ehrlichman, H. R. Haldeman, Ronald Ziegler and Richard Moore met at the White House. They discussed an impending Post story which stated that Chapin was Segretti's White House contact in a sabotage operation against the Democrats. Chapin issued a statement which indicated that he had known Segretti in college, but labeled the Post story as hearsay and inaccurate.

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96.1 <u>Washington Post</u> , October 10, 1972, A1, A14.....	1658
96.2 Donald Segretti testimony, 10 SSC 4024-25, 4042-43.	1660
96.3 Richard Moore testimony, 5 SSC 1955, 2022-24, 2030-31, 2038-39.....	1664
96.4 John Dean testimony, 3 SSC 965.....	1672
96.5 John Ehrlichman testimony, 7 SSC 2846-47.....	1673
96.6 Dwight Chapin statement, October 13, 1972, SSC Exhibit No. 34-24, 3 SSC 1209.....	1675

97. In October 1972, according to Haldeman, the President read newspaper stories linking Segretti and Kalmbach and asked Haldeman about them. Haldeman has testified that he had specific information to answer the President's questions about Segretti.

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97.1 H. R. Haldeman testimony, 8 SSC 3113, 3125-26... 1678

98. After November 5, 1972 Ehrlichman received a detailed factual chronology prepared by Chapin about White House involvement with Segretti. In preparing the chronology, Chapin used blanks instead of the names of Haldeman and Mitchell. Chapin has testified he did this out of a deep sense of loyalty to Haldeman.

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98.1 John Dean testimony, <u>United States v. Chapin</u> , April 3, 1974, 422-23.....	1692
98.2 Memorandum from Dwight Chapin, November 5, 1972, <u>United States v. Chapin</u> , Exhibit 32, April 3, 1974, 424-31.....	1682
98.3 Dwight Chapin testimony, <u>United States v. Chapin</u> , April 3, 1974, 494-97, 619.....	1684

99. On November 10, 1972 Dean met with Segretti in California and taped the conversation, during which Segretti explained his activities, some of which were criminal, and his involvement with Chapin. Dean has testified that at Ehrlichman's direction, he played the tape recording for Haldeman and Ehrlichman at Key Biscayne on November 12, 1972. On November 15, 1972 at Camp David, Haldeman and Ehrlichman told Dean that the President had decided that Chapin had to leave the White House.

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99.1 Donald Segretti testimony, 10 SSC 3984, 4018.....	1698
99.2 John Dean testimony, 3 SSC 965-66.....	1700
99.3 John Ehrlichman testimony, 7 SSC 2760, 2803.....	1702
99.4 Lawrence Higby interview, SSC, June 22, 1973, 1, 8 (received from SSC).....	1704

100. On December 18, 1972 Ronald Ziegler, the President's Press Secretary, announced that Chapin would continue during the second term as Deputy Assistant to the President. In January 1973 Ziegler announced that Chapin would leave the Administration, but denied that his departure was a result of his relationship with Segretti. Chapin has testified that he left the White House because of the publicity about his connection with Segretti; that he was interested in protecting the President because the President did not know anything about Segretti's activities; that he was also interested in protecting Haldeman.

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100.1	Ronald Ziegler statement, December 18, 1972, 8 Presidential Documents 1784-85.....	1710
100.2	<u>New York Times</u> , January 30, 1973, 1, 30.....	1712
100.3	Dwight Chapin testimony, <u>United States v. Chapin</u> , April 3, 1974, 497, 612-13.....	1715



101. On January 8, 1973 former CIA Deputy Director Cushman sent a memorandum to John Ehrlichman identifying as the person who requested CIA assistance for E. Howard Hunt in 1971 one of the following: Ehrlichman, Charles Colson or John Dean. On January 10, 1973 after discussions with Ehrlichman and Dean, Cushman changed the memorandum to state that he did not recall the identity of the White House person who requested assistance for Hunt.

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101.1 John Dean testimony, 3 SSC 977-78.....	1720
101.2 Robert Cushman testimony, 8 SSC 3295-97.....	1722
101.3 Memorandum from Robert Cushman to John Ehrlichman, January 8, 1973 and CIA employee note, July 12, 1973 (received from CIA).....	1725
101.4 Memorandum from Robert Cushman to John Ehrlichman, January 10, 1973, SSC Exhibit No. 126, 8 SSC 3391.....	1728

102. Early in 1973 John Dean met with Assistant Attorney General Petersen. Petersen showed Dean documents delivered by the CIA to the Department of Justice at an October 24, 1972 meeting, including copies of the photographs connecting E. Howard Hunt and Gordon Liddy with Dr. Fielding's office. On a second occasion prior to February 9, 1973 Dean met with Petersen and discussed what the Department of Justice would do if requested by the CIA to return materials. Petersen told him that a notation that the materials had been sent back to the CIA would have to be made in the Department's files.

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102.1 John Dean testimony, 3 SSC 978..... 1732

103. On February 9, 1973 Dean called CIA Director James Schlesinger. Dean suggested that the CIA request the Department of Justice to return a package of materials that had been sent to the Department of Justice in connection with the Watergate investigation. Deputy CIA Director Walters contacted Dean on February 21, 1973 and refused Dean's request.

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103.1	James Schlesinger memorandum for the record, February 9, 1973, SSC Exhibit No. 135, 9 SSC 3825-26.....	1734
103.2	House Judiciary Committee summary of James Schlesinger testimony, Senate Armed Services Committee Executive Session, May 14, 1973, 146-47.....	1736
103.3	Vernon Walters memorandum of conversation on February 21, 1973, May 11, 1973, SSC Exhibit No. 136, 9 SSC 3827.....	1737
103.4	John Dean testimony, 3 SSC 978-79.....	1738

104. On or about February 22 or 23, 1973 Dean has testified that Time magazine notified the White House that it was going to print a story that the White House had undertaken wiretaps of newsmen and White House staff members. Dean made inquiries of Assistant FBI Director Mark Felt, former Attorney General Mitchell, and former Assistant FBI Director William Sullivan respecting this matter. According to Dean, he called John Ehrlichman. Ehrlichman admitted that he had the logs and files of these wiretaps in his safe, but directed Dean to have Presidential Press Secretary Ronald Ziegler flatly deny the story. According to Dean, he called Ziegler and so advised him. Time quoted a White House spokesman as stating that no one at the White House asked for or received any such taps.

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104.1 John Dean testimony, 3 SSC 920-21, 1068-70..... 1742

104.2 Time, March 5, 1973, 14-15 (published  
February 26, 1973)..... 1747

105. On February 28, 1973 the President met with John Dean. They discussed the February 26 Time magazine story about the 1969-71 wire-taps. Dean also informed the President of his conversations with William Sullivan respecting conduct by prior administrations with relation to the FBI. Dean said the White House was stonewalling the Time magazine story totally, and the President said oh, absolutely. The President stated that the tapping was a very unproductive thing and had never been useful in any operation that the President ever conducted.

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105.1 House Judiciary Committee transcript of a meeting  
between the President and John Dean on February  
28, 1973, 9:12 -10:23 a.m., 43-46..... 1750

106. On March 1, 1973 Acting FBI Director Gray testified publicly before the Senate Judiciary Committee that he had checked the records and indices of the FBI and had found no record that newsmen and White House officials had been wiretapped. By a written report dated February 26, 1973 Assistant FBI Director E. S. Miller had furnished to Assistant FBI Director Mark Felt information respecting the wiretaps referred to by Time magazine.

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106.1	L. Patrick Gray testimony, SJC, Gray Nomination Hearings, 210-14.....	1756
106.2	E. S. Miller interview, FBI, May 10, 1973, 1, 3-4, with attached memoranda from E. S. Miller dated October 20, 1971 and February 26, 1973 (received from Department of Justice).....	1761

107. On February 28, March 8, 13 and 14, 1973 the President discussed the extent of Segretti's White House involvement with Dean. Between March 18 and March 22, 1973 Richard Moore prepared a factually accurate report about Segretti's relationship with Chapin and Kalmbach and a copy was forwarded to Ehrlichman, but it was not released to the public.

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107.1	Memorandum of Substance of Dean's calls and meetings with the President with accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 4 SSC 1794-95, 1797.....	1776
107.2	House Judiciary Committee transcript of a tape recorded conversation between the President and John Dean, February 28, 1973, 59-61.....	1779
107.3	House Judiciary Committee transcript of a tape recorded conversation between the President and John Dean, March 13, 1973, 15, 16, 18, 67-68, 70-73.....	1783
107.4	Gordon Strachan testimony, 6 SSC 2485.....	1793
107.5	Richard Moore testimony, 5 SSC 1954-55, 2025.....	1794
107.6	Draft of a memorandum from Richard Moore and John Dean, SSC Exhibit No. 34-44, 3 SSC 1294-1307.....	1797
107.7	John Dean testimony, 3 SSC 1010.....	1811

108. On March 13, 1973 the President met with John Dean. The President stated that Patrick Gray should not be FBI director and mentioned another possible appointee to that position. Dean also reported to the President on the information that Sullivan had about the 1969-71 wiretaps.

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108.1 House Judiciary Committee transcript of meeting  
between the President and John Dean on March 13,  
1973, 24-25, 31, 34-35, 75.....1814



109. On March 20, 1973 Krogh has testified that he met with Dean in Dean's EOB office and they discussed Hunt's threat to tell all the seamy things that he had done for Ehrlichman unless he was paid more than \$100,000. Following this meeting, Krogh had a telephone conversation during which Ehrlichman said that Hunt was asking for a great deal of money and if the money was not paid Hunt might blow the lid off and tell all he knew. During the same period Ehrlichman reviewed with Young what Hunt might say in the light of the blackmail attempt.

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109.1 Egil Krogh testimony, Grand Jury Room No. 3, January 29, 1974, 3-7.....	1822
109.2 John Ehrlichman testimony, 6 SSC 2550-51.....	1827

110. On the afternoon of March 21, 1973 the President met with H. R. Haldeman, John Ehrlichman and John Dean. Ehrlichman stated that the disclosure of Hunt's activities regarding the break-in at Ellsberg's psychiatrist's office raised search and seizure problems which could result in a mistrial in the Daniel Ellsberg prosecution. Krogh has testified that on March 21, 1973 Ehrlichman said that perhaps Krogh and Young should tell the Department of Justice about the events of 1971 under a grant of limited immunity, but Ehrlichman told Krogh not to do anything about this possibility until the next day when Mitchell would arrive in Washington and it could be learned how Hunt's demand would be or had been handled.

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110.1	House Judiciary Committee transcript of a meeting among the President, H. R. Haldeman, John Ehrlichman and John Dean, 5:20-6:01 P.M., March 21, 1973, 20-21.....	1830
110.2	Egil Krogh testimony , Grand Jury Room No. 3, January 29, 1974, 7-10.....	1833

111. On March 22, 1973 Ehrlichman telephoned Krogh. Krogh has testified that Ehrlichman told Krogh he had learned from Mitchell that Hunt was stable and would not disclose all; Ehrlichman told Krogh to hang tough. Krogh also has testified that Dean told Krogh on March 22, 1973 that Krogh should not do anything rash.

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111.1 Egil Krogh testimony, Grand Jury Room No. 3,  
January 29, 1974, 10-11.....1838

112. Prior to March 27, 1973 David Young, at Ehrlichman's request, delivered to Ehrlichman's office the Special Investigations Unit's files on the Pentagon Papers investigation. Young has testified that on March 27, 1973 Ehrlichman told Young that Hunt might reveal the Fielding break-in, that Ehrlichman had recently discussed the Fielding break-in with Krogh, who during that conversation said that he was responsible and that Ehrlichman had not known about the break-in until after it occurred. Young also has testified that he told Ehrlichman that he felt sure Ehrlichman had been aware of the California operation and that this fact was reflected in the documents delivered to Ehrlichman. According to Young, Ehrlichman said he would keep those memoranda because they were too sensitive and showed too much forethought. Ehrlichman has denied removing documents from the file.

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112.1 David Young testimony, August 1973 Grand Jury No. 2, August 23, 1973, 108-14, 128-30.....	1842
112.2 David Young testimony, January 1974 Grand Jury No. 3, February 6, 1974, 20-23.....	1852
112.3 Handwritten note in files of Special Investigations Unit, March 1973 (received from White House)..	1856
112.4 John Ehrlichman testimony, 6 SSC 2550-51.....	1857

113. On March 27, 1973 the President met with H. R. Haldeman and John Ehrlichman. The President decided that a new nominee for FBI director should be announced at the time that Patrick Gray's name was withdrawn. The President said that a judge with prosecuting background might be a good nominee. Haldeman told the President that Hunt was appearing before the Grand Jury that day and he did not know how far Hunt was going to go. On March 28, 1973 Hunt was given immunity and ordered to testify before the Grand Jury. On the same day, Ehrlichman telephoned Attorney General Kleindienst and stated that the President might want to see the Attorney General in San Clemente on Saturday, March 31.

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- 113.1 White House edited transcript of a meeting among  
the President, H. R. Haldeman and John Ehrlichman,  
March 27, 1973, 11:10 a.m. - 1:30 p.m., 7, 16-17..... 1860
- 113.2 In re Grand Jury, Misc. 47-73, docket..... 1864
- 113.3 Transcript of tape recorded telephone conversation  
between John Ehrlichman and Richard Kleindienst,  
March 28, 1973, SSC Exhibit No. 99, 7 SSC 2944-46..... 1863

114. On March 31, 1973 John Ehrlichman and H. R. Haldeman met with Attorney General Kleindienst at San Clemente, California. There was a discussion of Judge Matthew Byrne, Jr., the presiding judge in the on-going criminal trial of Daniel Ellsberg, as a potential nominee for FBI director. Ehrlichman has testified that he told Kleindienst that the President had instructed Ehrlichman to contact Byrne and Kleindienst expressed wholehearted approval of the meeting. Kleindienst has testified while he approved of Byrne as the choice for the FBI Directorship, he does not recall Ehrlichman indicating that he planned to talk with Byrne because if Ehrlichman had, Kleindienst would have said this should not be done while the trial was going on. The President has stated that Kleindienst first recommended Byrne as FBI Director and then Ehrlichman called Byrne.

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114.1 John Ehrlichman log, March 31, 1973 (received from SSC).....	1868
114.2 Richard Kleindienst testimony, 9 SSC 3570-72, 3604-05.....	1869
114.3 John Ehrlichman testimony, 6 SSC 2617-18.....	1874
114.4 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1116, 1020.....	1876

115. On April 4, 1973 John Ehrlichman telephoned Judge Byrne. Ehrlichman has testified that he asked Byrne if this was an appropriate time in light of the present situation in the Ellsberg trial for a conversation to discuss a non-judicial federal appointment and that Byrne responded they could talk right away. Judge Byrne has stated that Ehrlichman requested a meeting on a subject which had absolutely nothing to do with the case. On April 5, 1973 Ehrlichman met with Judge Byrne at San Clemente, California. Ehrlichman has testified that he told Judge Byrne to walk away if a subject arose which he felt might impinge on his ability to fairly try the Ellsberg case. Ehrlichman told Judge Byrne that the President was interested in knowing whether or not Judge Byrne had an interest in being nominated as the director of the Federal Bureau of Investigation. Ehrlichman has testified Judge Byrne indicated a very strong interest in the position. Judge Byrne has stated that he advised Ehrlichman that his initial reaction was that he could not and would not give consideration to any other position until the Ellsberg case was concluded. During this meeting the President was introduced to Judge Byrne and exchanged greetings with him.

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115.1	John Ehrlichman log, April 5, 1973 (received from SSC) .....	1880
115.2	John Ehrlichman testimony, 6 SSC 2617-19 .....	1881
115.3	President Nixon news conference, August 22, 1973, 9 Presidential Documents 1016, 1020 .....	1884
115.4	Wm. Matthew Byrne statement, <u>United States v. Russo</u> , April 30, 1973, 21333-34, 21349-50 .....	1886

116. On April 6, 1973 Judge Byrne requested a second meeting with Ehrlichman. On April 7, 1973 Ehrlichman met with Judge Byrne in a park at the corner of Ocean Avenue and Montana Street in Santa Monica, California. Ehrlichman has testified that Judge Byrne again evidenced a very sharp interest in the FBI directorship. Judge Byrne has stated that he, at Ehrlichman's suggestion, had reflected on his initial reaction and reaffirmed that he would not consider nor in any way discuss the position as director of the FBI while the Ellsberg case was pending before him.

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116.1	John Ehrlichman testimony, 6 SSC 2619-20.....	1892
116.2	Wm. Matthew Byrne statement, <u>United States v. Russo</u> , May 2, 1973, 21655-56.....	1894



117. On April 11, 1973 Chapin made false declarations before the Water-gate Grand Jury in responding to questions about White House involvement with Segretti. Chapin testified that he wanted to protect Haldeman in his testimony and reported to the White House immediately after the appearance that Haldeman's name had been mentioned in connection with hiring Segretti.

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117.1	<u>United States v. Chapin</u> indictment, November 29, 1973...	1898
117.2	<u>United States v. Chapin</u> docket, April 5, 1973, 5.....	1907
117.3	Dwight Chapin testimony, <u>United States v. Chapin</u> , April 3, 1974, 498-99, 506-07, 612-14.....	1908

118. On April 14, 1973 the President, Haldeman and Ehrlichman discussed at several meetings Haldeman's involvement with Segretti and the resulting legal or political problems of that connection. They discussed whether Haldeman should make a public disclosure of this activity.

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- 118.1 White House edited transcript of a meeting  
among the President, H. R. Haldeman and John  
Ehrlichman, April 14, 1973, 8:55 - 11:31 a.m., 41. 1916
- 118.2 White House edited transcript of a meeting  
among the President, H. R. Haldeman and John  
Ehrlichman, April 14, 1973, 2:24 - 3:55 p.m.,  
15-16, 40, 47-48..... 1917
- 118.3 White House edited transcript of a meeting  
among the President, H. R. Haldeman and John  
Ehrlichman, April 14, 1973, 5:15 - 6:45 p.m.,  
34-36, 39-40, 43..... 1922

119. On April 15, 1973 John Dean told the Watergate prosecutor that E. Howard Hunt and Gordon Liddy had participated in a break-in at the office of a psychiatrist of Daniel Ellsberg. In a memorandum dated April 16, 1973 Silbert reported to Henry Petersen the information he received respecting the break-in. Petersen ordered a Department of Justice investigation to determine if there was any information in the possession of the prosecutor in the Ellsberg trial then being conducted in Los Angeles, which emanated from the burglary of the psychiatrist's office. On April 18, 1973 Petersen received two memoranda stating that no information had been derived from such a source.

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119.1	Memorandum from Earl Silbert to Henry Petersen, April 16, 1973, <u>United States v. Russo</u> , Exhibit 27...	1930
119.2	Memorandum from John Martin to Kevin Maroney, April 18, 1973, <u>United States v. Russo</u> , Exhibit 28...	1932
119.3	Memorandum from Kevin Maroney to Henry Petersen, April 18, 1973, <u>United States v. Russo</u> , Exhibit 29...	1933
119.4	Henry Petersen testimony, 9 SSC 3630.....	1934
119.5	Henry Petersen affidavit, May 9, 1973, SSC Exhibit No. 93, 6 SSC 2652-54.....	1935
119.6	Henry Petersen testimony, Watergate Grand Jury, August 23, 1973, 74-75 (received from Watergate Grand Jury).....	1938

120. On April 16, 1973 from 10:00 to 10:40 a.m. the President met with John Dean. The President stated that the electronic surveillance of Kraft was done through private sources because Hoover did not want to do it, but it was finally turned over to the FBI. The President stated that the surveillance was necessary because leaks from the NSC were in Kraft's and other columns. The President stated that this information was privileged and Dean agreed.

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120.1 House Judiciary Committee transcript of a  
conversation between the President and John  
Dean, April 16, 1973, 10:00 - 10:40 a.m., 28-30... 1942

121. On April 17, 1973 the President stated to William Rogers that he was thinking of Judge Byrne for the FBI directorship.

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121.1 White House edited transcript of a tape recorded meeting among the President, William Rogers, H. R. Haldeman and John Ehrlichman, April 17, 1973, 5:20 - 7:14 p.m., 28..... 1948

122. On April 18, 1973 the President had a telephone conversation with Henry Petersen. Petersen told the President that the prosecutors had obtained information that the office of Daniel Ellsberg's psychiatrist had been burglarized by Hunt and Liddy. The President replied that he knew of it, that it was a national security matter, and that the Department of Justice was not to investigate it. The President also ordered the Watergate prosecutors not to question E. Howard Hunt about these activities as they had planned. Petersen immediately relayed the President's orders to Silbert.

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122.1 President Nixon daily diary, April 18, 1973, Exhibit 49, <u>In re Grand Jury</u> , Misc. 47-73.....	1950
122.2 Henry Petersen testimony, 9 SSC 3630-31.....	1956
122.3 President Nixon statement, May 22, 1973, 9 Presidential Documents 693, 696.....	1958
122.4 President Nixon statement, August 15, 1973, 9 Presidential Documents 991, 993.....	1960
122.5 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1016, 1020.....	1962
122.6 Henry Petersen testimony, Watergate Grand Jury, August 23, 1973, 73-75 (received from Watergate Grand Jury).....	1964

123. On April 19, 1973 the President discussed with his Special Counsel, Richard Moore, Ehrlichman's possible criminal liability arising out of events connected with the Ellsberg case.

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123.1	President Nixon daily diary, April 19, 1973, Exhibit 50, <u>In re Grand Jury</u> , Misc. 47-73.....	1968
123.2	Richard Moore testimony, 5 SSC 1960-62.....	1972

124. On April 25, 1973 Petersen delivered to Attorney General Kleindienst the Justice Department memoranda written by Silbert, Martin and Maroney respecting the break-in of the office of Ellsberg's psychiatrist. They agreed that the information about the break-in should be disclosed to Judge Byrne.

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124.1 Henry Petersen testimony, 9 SSC 3631-32, 3644.....	1976
124.2 Richard Kleindienst testimony, 9 SSC 3574-75.....	1979
124.3 Memorandum from Attorney General Kleindienst to Henry Petersen, April 25, 1973, <u>United States v.</u> <u>Russo</u> , Exhibit 30.....	1981



125. On the afternoon of April 25, 1973 Attorney General Kleindienst had a conversation with the President. Kleindienst showed the President the Justice Department memoranda relating to the break-in at the psychiatrist's office and informed the President that the information should be disclosed to the Court in the Ellsberg case. The President authorized him to do so.

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125.1 Richard Kleindienst testimony, 9 SSC 3574-75, 3607.....	1984
125.2 President Nixon statement, May 22, 1973, 9 Presidential Documents, 693, 696.....	1987
125.3 President Nixon statement, August 15, 1973, 9 Presidential Documents, 991, 993.....	1989
125.4 President Nixon news conference, August 22, 1973, 9 Presidential Documents, 1020-21.....	1991

126. On April 26, 1973 David Nissen, the prosecutor in the Ellsberg case, was instructed to file the four Justice Department memoranda relating to the break-in at the psychiatrist's office with the court in camera. Nissen filed the documents in camera after court had adjourned at 2:45 p.m. At 4:05 p.m. Judge Byrne reconvened court and stated that the prosecutors had made an in camera filing. He also stated that after examining the materials he would not accept the filed materials in camera, and asked the prosecutors to advise him by the next morning as to what the government's position would be with respect to turning the material over to the defendants. The next morning on April 27, 1973, Nissen informed Judge Byrne that the Washington office did not want the contents of the in camera filing disclosed to the defense. Judge Byrne ordered that the information be supplied to the defense and in open court read the memorandum from Silbert to Petersen dated April 16, 1973. Judge Byrne also ordered a government investigation to determine if the defendants' Constitutional rights had been violated by the break-in.

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126.1	Memorandum from Attorney General Kleindienst to Henry Petersen, April 25, 1973, <u>United States v. Russo</u> , Exhibit 30.....	1996
126.2	Transcript of proceedings, <u>United States v. Russo</u> , April 26, 1973, 21, 150-56.....	1998
126.3	Transcript or proceedings, <u>United States v. Russo</u> , April 27, 1973, 21 159-60; 21 169-75.....	2005

127. On April 27, 1973 FBI agents interviewed John Ehrlichman about the break-in of the office of Dr. Lewis Fielding, Daniel Ellsberg's psychiatrist. Ehrlichman stated E. Howard Hunt and Gordon Liddy had been designated in 1971 to conduct an investigation of the Pentagon Papers leak directly out of the White House. Ehrlichman stated that he knew Liddy and Hunt had gone to California to investigate Ellsberg's habits, mental attitudes and emotional and moral problems. Ehrlichman stated he learned of the break-in after it had occurred and he then instructed Hunt and Liddy not to do this again. Ehrlichman told the FBI he did not know if any information had been obtained in the burglary and that he had not authorized the burglary.

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127.1 John Ehrlichman interview, FBI, April 27, 1973,  
United States v. Russo, Exhibit 36, reprinted in  
SJC, Richardson Confirmation Hearings, 243..... 2016

128. On April 30, 1973 in response to an inquiry by defense attorneys, Judge Byrne disclosed that he had met previously with Ehrlichman at which time a possible federal appointment was discussed, and that at the same time he had met the President. Judge Byrne also turned over to the defense the three additional Justice Department memoranda relating to the break-in at the psychiatrist's office and ordered the government to investigate and disclose all information that may exist concerning electronic surveillance of the defendants.

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128.1 Transcript of proceedings, <u>United States v. Russo</u> , April 30, 1973, 21 333-34, 21 410-11, 21 369-70.....	2020
128.2 <u>Washington Star News</u> , April 30, 1973, A-3.....	2026

129. On April 30, 1973 John Ehrlichman met with David Young. Ehrlichman told Young that his files were to go to the President because the Ellsberg operation was a matter of national security. Young was instructed to decline to answer any inquiries on grounds of national security and executive privilege. Young has testified that he expressed concern that Ehrlichman had not told the FBI that he had approved the California operation beforehand and Ehrlichman replied that he was not asked that question. Young has testified that Ehrlichman told him not to address the question of whether Ehrlichman had discussed the Fielding break-in with the President in advance of its occurrence.

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- 129.1 David Young testimony, August 1973 Grand Jury No. 2,  
August 23, 1973, 116-24.....2028
- 129.2 Memorandum of David Young of a meeting between Young  
and John Ehrlichman, April 30, 1973 (received from SSC)..2037
- 129.3 John Ehrlichman log, April 30, 1973 (received from SSC)..2039

130. On May 2, 1973 as a result of a renewed defense motion raising the propriety of Judge Byrne's meeting with Ehrlichman, Judge Byrne stated that he had met with Ehrlichman both on April 5, 1973 and April 7, 1973 and disclosed that the position discussed had been the FBI directorship.

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130.1 Wm. Matthew Byrne statement, United States v. Russo, May 2, 1973, 21 655-56..... 2042

131. On May 10, 1973 Judge Byrne received two memoranda, one from Acting FBI Director William Ruckelshaus and the other from Assistant Attorney General Henry Petersen. The Ruckelshaus memorandum stated that he had received a preliminary report indicating that Daniel Ellsberg had been overheard talking from the residence of Dr. Morton Halperin at a time when Ellsberg was a guest of Halperin. The Petersen memorandum informed Judge Byrne that the government did not know how many interceptions of Ellsberg took place, when they took place, between whom they occurred, or what was said. Nor did the government know what had happened to the tapes, logs or other records pertaining to the surveillance.

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131.1	Memorandum from William Ruckelshaus to Henry Petersen, May 9, 1973, <u>United States v. Russo</u> , Exhibit 68.....	2046
131.2	Memorandum from Henry Petersen to Judge Byrne, May 10, 1973, <u>United States v. Russo</u> , Exhibit 72.....	2050

132. On May 10, 1973 former Assistant Attorney General Robert Mardian disclosed to agents of the FBI that at the direction of the President he had delivered the 1969-71 wiretap records to the Oval Room in the White House.

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132.1 Robert Mardian interview, FBI, May 10, 1973 (received from Department of Justice).....	2058
132.2 William Ruckelshaus deposition, <u>Halperin v.</u> <u>Kissinger</u> , July 25, 1973, 61-62.....	2072



133. On May 11, 1973 Judge Byrne dismissed the indictment in the Ellsberg case on the grounds of governmental misconduct including the action taken by a special investigations unit established by White House officials to investigate Daniel Ellsberg and the inability of the government to produce the wiretap logs on Daniel Ellsberg. On that same day, at an interview which took place approximately one hour after Judge Byrne ordered dismissal, Ehrlichman informed agents of the FBI that records of the electronic surveillance delivered to him by Mardian were located in Ehrlichman's White House safe. On May 12, 1973 William Ruckelshaus went to the White House and retrieved the electronic surveillance records from a room into which Ehrlichman's records had been moved following his resignation.

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133.1 Judge Wm. Matthew Byrne statement and Order of Dismissal, <u>United States v. Russo</u> , May 11, 1973, 22 685-91.....	2076
133.2 William Ruckelshaus deposition, <u>Halperin v. Kissinger</u> , July 25, 1973, 63-69.....	2084



STATEMENT OF INFORMATION

AND

SUPPORTING EVIDENCE

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WHITE HOUSE SURVEILLANCE ACTIVITIES

and

CAMPAIGN ACTIVITIES

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Part 1



1. In early May 1969, following conversations between FBI Director J. Edgar Hoover, Henry Kissinger and Attorney General John Mitchell, the President authorized a specific wiretapping program in an effort to discover the source of leaks of classified government material. Under this program, which remained in effect until February 10, 1971, wiretaps were instituted against thirteen government officials and four newsmen.

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1.1 Memorandum from J. Edgar Hoover to Messrs. Tolson, DeLoach, Sullivan and Bishop, May 9, 1969, 10:35 a.m. (received from Department of Justice) .....	142
1.2 Memorandum from J. Edgar Hoover to Messrs. Tolson, DeLoach, Sullivan and Bishop, May 9, 1969, 5:05 p.m. (received from Department of Justice).....	143
1.3 President Nixon statement, May 22, 1973, 9 Presidential Documents 693-94 .....	146
1.4 Henry Kissinger testimony, Senate Foreign Relations Committee Executive Session, September 17, 1973, 12-13 .....	148
1.5 Henry Kissinger testimony, Senate Foreign Relations Committee Executive Session, September 17, 1973, 325 (made public October 4, 1973) .....	150
1.6 William Ruckelshaus deposition, <u>Halperin v. Kissinger</u> , July 25, 1973, 33 .....	151
1.7 Elliot Richardson testimony, Senate Foreign Relations Committee Executive Session, September 10, 1973, 268-69 (made public October 4, 1973) .....	152
1.8 William Ruckelshaus news conference, May 14, 1973, reprinted in Senate Foreign Relations Committee Executive Session, September 10, 1973, 272-73, (made public October 4, 1973).....	154

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

10:35 AM

May 9, 1969

MEMORANDUM FOR MR. TOLSON  
MR. DE LOACH  
MR. SULLIVAN  
MR. BISHOP

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

Dr. Henry A. Kissinger, National Security Adviser to the President, called from Key Biscayne, Florida. He advised that there is a story today on the front page of \_\_\_\_\_ by \_\_\_\_\_ which is extraordinarily damaging and uses secret information. Dr. Kissinger said they wondered whether I could make a major effort to find out where that came from. I said I would. Dr. Kissinger said the article is in the lower right hand corner of the front page and to put whatever resources I need to find who did this. I told him I would take care of it right away. Dr. Kissinger said to do it discreetly, of course, but they would like to know where it came from because it is very damaging and potentially very dangerous. I commented it is this kind of thing that gives us headaches of where they come from; that if we can find the source one time and make an example it would put a stop to it. Dr. Kissinger agreed and said that is what they propose to do.

Very truly yours,

*J. E. H.*  
John Edgar Hoover  
Director

*What do you suggest?*  
*h*

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

5:05 PM

May 9, 1969

MEMORANDUM FOR MR. TOLSON  
MR. DE LOACH  
MR. SULLIVAN  
MR. BISHOP

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Miss Gandy	

I called Dr. Henry A. Kissinger, National Security Adviser to the President, at Key Biscayne, Florida. I told him I had some information which I thought he ought to know about so as to bring him up to date.

I told him that in regards to the background of \_\_\_\_\_ Q who wrote the article in \_\_\_\_\_ today, he is formerly from the \_\_\_\_\_ and then went \_\_\_\_\_ and was later employed by \_\_\_\_\_. He has been active in the U. S. Army reserve program for a period of time and is described as particularly astute as to military affairs. In 1966 at the request of Marvin Watson, Assistant to the President at that time, we conducted an investigation as to a leak of information concerning United States government policy in the anti-missile field in connection with an article by \_\_\_\_\_ Q in \_\_\_\_\_ of December \_\_, 1966. Our investigation led to nothing very definite except the possibility that his story was primarily on informed speculation as there had been made available publicly a lot of source material from which he could draw his conclusions.

I stated that in regard to the current three articles, it is the conclusion of the contacts we have made that it could have come and probably did from a staff member of the National Security Council. I continued that Q while at undergraduate school at \_\_\_\_\_ had a roommate who is now a staff member of the National Security Council. There is a strong possibility also that he may have gotten some of his information from the Southeast Asian Desk, Public Affairs Office of the Department of Defense, as the Public Affairs Office is constituted of employees who are pronounced anti-Nixon. I continued that

Q frequents this office as well as the National Security Council, and the employees freely furnish him information inasmuch as they are largely Kennedy people and anti-Nixon. I said that also in the Systems Analysis Agency in the Pentagon, there are at least 113 of the 124 employees who are still McNamara people and express a very definite Kennedy philosophy.

Original impounded by \_\_\_\_\_  
court order. See memo \_\_\_\_\_  
in 63-16062-3.

65-75000-20

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

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Memorandum for Messrs. Tolson, DeLoach, Sullivan, Bishop

May 9, 1969

I continued that this situation has made it very easy for Q to obtain information; however, the source we have been working through said it should not be ruled out that a staff member of the National Security Council who obviously was in a position to know the information contained in all three articles could have assisted Q. Dr. Kissinger said he has heard this as an allegation, too, but there is no proof; that he has heard it as a speculation. I said, of course, this is speculation all the way through tying it into this man N. I said that Q works full time at the Pentagon and was asked today as to what his source of information was, and he said it was an excellent one. He said that his source was from the Air Force, but he did not reveal any names. I continued that he stated the Air Force was particularly anxious to soften up its press in its bomber program and is endeavoring to obtain a favorable image with the press. I commented that I thought that was probably a misleading statement by Q to throw it into the Air Force.

I continued that there is a man named \_\_\_\_\_ who attended the \_\_\_\_\_ College \_\_\_\_\_ and the University of \_\_\_\_\_ and is presently a State Department Foreign Service officer on detail to the National Security Council at the White House. I said he was formerly an assistant to \_\_\_\_\_ and is a close friend of Q.

I said in regards to N we conducted an applicant investigation of him in 1962 and in February 1969 and the investigation reflected N and other experts in his field are of the opinion that the United States leadership erred in Vietnam commitment as we did not possess the interest or capabilities to obtain the original objectives. I said that in 1965 his name appeared on a list of individuals who responded to a request for a public hearing on Vietnam by agreeing to sponsor a national sit-in. I said the Royal Canadian Mounted Police in 1965 advised that N's name was on a list of Americans who had reportedly received the World Marxist Review Problems of Peace and Socialism, a communist publication.

I continued that from another source it was indicated we should not overlook the Systems Analysis Agency in the Defense Department who had an employee




Memorandum for Messrs. Tolson, DeLoach, Sullivan, Bishop May 9, 1969

named \_\_\_\_\_ and another named \_\_\_\_\_ currently employed as staff employee of the National Security Council. I said they are very close to each other and both are so-called arrogant harvard-type Kennedy men who would not hesitate to do anything to save their jobs. I said it was stated that \_\_\_\_\_ was particularly anxious to save \_\_\_\_\_'s job with the Systems Analysis Agency. I said both men know \_\_\_\_\_ and consider him a part of the Harvard clique, and, of course, of the Kennedy era and we should not ignore the possibility that \_\_\_\_\_ and/or \_\_\_\_\_ could be the source of the leak to \_\_\_\_\_ Q

I said that is as far as we have gotten so far. Dr. Kissinger said he appreciated this very much and he hoped I would follow it up as far as we can take it and they will destroy whoever did this if we can find him, no matter where he is.

I told Dr. Kissinger I wanted him to know the developments and he said he appreciated it very much and they will certainly be looking into it at their end. I told him we would keep after it and he said they were counting on whatever we can find out.

Very truly yours,

 J. E. H.  
John Edgar Hoover  
Director

Kunzig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1969 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

He came to the General Services Administration after 6 years in Pennsylvania State government, where he was secretary of administration and budget secretary under Gov. Raymond P. Shafer, and deputy secretary for procurement, department of property and supplies, under Gov. William W. Scranton. Prior to entering government service, he was employed by the General Electric Co. for 12 years.

Mr. Sampson was born on October 8, 1926, in Warren, R.I. He received his B.S. degree in business administration from the University of Rhode Island in 1951 and has done graduate work at the George Washington University.

Active in several professional organizations, Mr. Sampson was presented the Synergy III Award for outstanding contributions toward the advancement of architecture by the Society of American Registered Architects in 1972. In 1973 he was selected as one of the Top Ten Public Works Men of the Year, and he was named an honorary member of the American Institute of Architects.

He and his wife, Blanche, have four children and reside in Washington, D.C.

NOTE: For the President's statement upon announcing his intention to nominate Mr. Sampson, see the preceding item.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate and those guilty of any illegal actions brought to justice.

## The Watergate Investigation

### *Statements by the President. May 22, 1973*

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about these operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.

The purpose of this statement is threefold:

First, to set forth the facts about my own relationship to the Watergate matter;

—Second, to place in some perspective some of the more sensational—and inaccurate—of the charges that have filled the headlines in recent days, and also some of the matters that are currently being discussed in Senate testimony and elsewhere;

—Third, to draw the distinction between national security operations and the Watergate case. To put the other matters in perspective, it will be necessary to describe the national security operations first.

In citing these national security matters, it is not my intention to place a national security "cover" on Watergate, but rather to separate them out from Watergate—and at the same time to explain the context in which certain actions took place that were later misconstrued or misused.

Long before the Watergate break-in, three important national security operations took place which have subsequently become entangled in the Watergate case.

—The first operation, begun in 1969, was a program of wiretaps. All were legal, under the authorities then existing. They were undertaken to find and stop serious national security leaks.

—The second operation was a reassessment, which I ordered in 1970, of the adequacy of internal security measures. This resulted in a plan and a directive to strengthen our intelligence operations. They were protested by Mr. Hoover, and as a result of his protest they were not put into effect.

—The third operation was the establishment, in 1971, of a Special Investigations Unit in the White House. Its primary mission was to plug leaks of vital security information. I also directed this group to prepare an accurate history of certain crucial national security matters which occurred under prior administrations, on which the Government's records were incomplete.

Here is the background of these three security operations initiated in my Administration.

#### 1969 WIRETAPS

By mid-1969, my Administration had begun a number of highly sensitive foreign policy initiatives. They were aimed at ending the war in Vietnam, achieving a settlement in the Middle East, limiting nuclear arms, and establishing new relationships among the great powers. These involved highly secret diplomacy. They were closely interrelated. Leaks of secret information about any one could endanger all.

Exactly that happened. News accounts appeared in 1969, which were obviously based on leaks—some of them extensive and detailed—by people having access to the most highly classified security materials.

There was no way to carry forward these diplomatic

initiatives unless further leaks could be prevented. This required finding the source of the leaks.

In order to do this, a special program of wiretaps was instituted in mid-1969 and terminated in February 1971. Fewer than 20 taps, of varying duration, were involved. They produced important leads that made it possible to tighten the security of highly sensitive materials. I authorized this entire program. Each individual tap was undertaken in accordance with procedures legal at the time and in accord with longstanding precedent.

The persons who were subject to these wiretaps were determined through coordination among the Director of the FBI, my Assistant for National Security Affairs, and the Attorney General. Those wiretapped were selected on the basis of access to the information leaked, material in security files, and evidence that developed as the inquiry proceeded.

Information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

#### THE 1970 INTELLIGENCE PLAN

In the spring and summer of 1970, another security problem reached critical proportions. In March a wave of bombings and explosions struck college campuses and cities. There were 400 bomb threats in one 24-hour period in New York City. Rioting and violence on college campuses reached a new peak after the Cambodian operation and the tragedies at Kent State and Jackson State. The 1969-70 school year brought nearly 1,800 campus demonstrations and nearly 250 cases of arson on campus. Many colleges closed. Gun battles between guerrilla-style groups and police were taking place. Some of the disruptive activities were receiving foreign support.

Complicating the task of maintaining security was the fact that, in 1966, certain types of undercover FBI operations that had been conducted for many years had been suspended. This also had substantially impaired our ability to collect foreign intelligence information. At the same time, the relationships between the FBI and other intelligence agencies had been deteriorating. By May 1970, FBI Director Hoover shut off his agency's liaison with the CIA altogether.

On June 5, 1970, I met with the Director of the FBI (Mr. Hoover), the Director of the Central Intelligence Agency (Mr. Richard Helms), the Director of the Defense Intelligence Agency (Gen. Donald V. Bennett), and the Director of the National Security Agency (Adm. Noel Gayler). We discussed the urgent need for better intelligence operations. I appointed Director Hoover as chairman of an interagency committee to prepare recommendations.

On June 25, the committee submitted a report which included specific options for expanded intelligence operations, and on July 23 the agencies were notified by

Indistinct document retyped by  
House Judiciary Committee staff

intended.

Senator Case. I would like, if I may run over with you  
these several taps.

Senator Symington. Talk a little louder.

Senator Case. Yes, I would like to run over these several  
taps with you in relation to the matter of the leaks. The first  
one on the record was one of Q . As to that, may I  
just draw your attention to the fact that in general your  
explanation of the initiation of this procedure was that you  
had been concerned about it, you talked about it with the  
President, a meeting was held of you and the President and  
Mr. Mitchell.

Mr. Kissinger. Hoover.

Senator Case. And Mr. Hoover and that apparently was  
on the 9th of May.

Mr. Kissinger. Or whatever the day was that that leak  
occurred.

Senator Case. At least, in any event, you met on the 9th  
of May with Hoover and that may have been the only meeting  
you had with him but anyway, you met with him. The reason I make  
the point, one of those taps, that of Q of \_\_\_\_\_  
\_\_\_\_\_ was instituted by the request made on May 2nd of that  
year and I wonder if you could give an explanation of who  
initiated that.

Mr. Kissinger. To the best of my knowledge --

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NOTE: THE DELETED PORTIONS OF THIS DOCUMENT WERE DELETED BY THE CHAIRMAN  
AND RANKING MINORITY MEMBER PRIOR TO PUBLIC RELEASE OF THE DOCUMENT.  
DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER  
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Senator Case. It was stated that it was requested by General Haig, that is to say, your alter-ego, I guess, on behalf of the President. I wondered if you could go into it.

Mr. Kissinger. If it happened before that meeting, then I have no explanation for it because the first time I heard of wiretapping was at that meeting.

Now, it is fairly conceivable, I think the easy way to check it is to find out when that Q story appeared that \_\_\_\_\_ and whenever that story appeared was the date that my knowledge of the program begins. I was unaware of any wiretapping prior to that story. And, therefore, I would have no explanation for it.

Senator Case. Do you have any recollection that you did discuss the desirability of that particular tap, before it was initiated?

Mr. Kissinger. No, I certainly did not.

Senator Case. Did you talk with Haig about it? Did he go off on his own?

Mr. Kissinger. It would be inconceivable to me that Haig would go off on his own so it would have to be they are on instructions from me or Mr. Haldeman. But it is also possible that the meeting I remember happening on May 9th happened on May 2nd. That seems to be the more likely reason.

Senator Case. In general, as your recollection is now, the tap on Q was a part of this general program?

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Mr. KISSINGER. [Deleted.] The origin of this particular program was a meeting in the President's office which I have described to you, and in which the President ordered the use of wiretaps, and in which my contribution was to describe leaks that had occurred. I would sum up the problem at the time as follows—and I had asked myself this question very much: Did I have any reason to suppose that the Government was doing anything wrong? And second, was I, in executing orders that I thought were legal, doing anything that was wrong or illegal?

I can say that the idea that this was not common practice or that this was in any sense illegal, simply never crossed my mind. I believed, when the Director of the FBI said this had been common practice in every previous administration, that it was a distasteful program that was being reinstituted in this administration. I do not from my own knowledge know that this program was carried out in previous administrations.

I have been told since, again by many people who should know, that it was carried out in previous administrations.

As to my own role, I think, what you have seen will support that I confined my participation scrupulously to individuals who had had access to the information, and that nobody was penalized as a result of this. On the contrary, many of the people who were part of the program became my closest associates, and others who had been part of this program had been kept on my staff against very strong opposition from many quarters. [Deleted.]

And after this one program I did not participate in any other internal security program of the administration so none of these memorandums to which Senator Symington referred to this morning, the Huston program, the Plumber program, or whatever else was done, or the approach to Mr. Helms in the Watergate episode, was conducted with any knowledge of my office or of me personally. I think this is what the committee should keep in mind when it assesses the degree of my own propensity to use such tactics.

Senator MUSKIE. When the experience of previous administrations was described, was it described as being used to uncover leaks?

Mr. KISSINGER. It was described as having been used to uncover leaks and to protect national security information. But I might have been remiss in not inquiring further into it.

Senator MUSKIE. I am not making that judgment necessarily.

Mr. KISSINGER. That is how it was described to me.

Senator MUSKIE. You see, I make a distinction between national security as a justification, and leaks. To close leaks and sources of leaks would require a surveillance effort that could be as wide as the 2½ million civil servants of this Government. If the closing of leaks is a sufficient justification, there is no limit. I gather, of course, from your testimony that there were limits to this in actual fact. But if you establish it as a principle, then the principle is pretty hard to contain.

[Deleted.]

#### BASIS FOR INITIATING WIRETAPS

Senator MUSKIE. Now with respect to each wiretap initiated as a result of the name that you provided, was that related to a specific leak of specific information? I know you couldn't recall. But was it your impression that it was a specific leak of specific information or a fishing expedition?

don't want to interrupt you unless I have to but I believe this does go to the substance of much of these records and if you are entitled to this information, that would best be determined by the court.

Q Turn to the next page, page three; "When a government agency or the White House requests surveillance the request is studied by the senior officials of the FBI and if the Director approves, authority is then requested from the Attorney General."

I think once before you testified that the request came from the White House?

A Yes.

Q Was there any particular person in the White House who made that request?

A As I stated in my press conference this whole investigation into these leaks was initiated by conversations between *the President* Dr. Kissinger and Mr. Hoover. Then there were requests, some *was?* of which seemed to have come through the FBI and some from the White House. It resulted in giving the request to the attorney general for the authorizations.

Q On the request for Mr. Halperin, did that request come from the White House or from within the FBI staff?

MR. CHRISTENBURY: We will have to object on the same grounds as offered before. That is to not go into

we are going to run our Government that seems to me to be very interesting.

Senator SCOTT. Could the Attorney General break down the categories of these wiretaps? Are they all alike, all 17 of them, or did they fall into different categories?

#### HEARING PROCEDURE

Senator JAVITS. Mr. Chairman, would the Senator yield, may I respectfully suggest as always we follow some procedure. I would like to question the witnesses very closely and I await on the ruling of the Chair as to how we should go about it.

The CHAIRMAN. I was waiting for the Attorney General to proceed with his statement and then we will have the usual questioning.

Senator JAVITS. All right.

#### BOHLEN CASE

Senator SPARKMAN. Mr. Chairman, before you move on, you referred to the Bohlen case. You remember we were at an impasse on that when the Chair appointed Senator Taft and me to go down and check.

I don't know just what may be implied by the term, "the raw files." We saw everything that was in that and I suppose that was it. We came back and reported to the committee. Senator Taft made a very strong statement on the Senate floor. I made a mild one, but we both came up with this feeling that we would never want to be investigated by the FBI on the basis of the supposed facts that they had in their files. Much of it, I think, was utterly ridiculous, and the statement was made to the committee and on the floor of the Senate, and we promptly moved to approve Mr. Bohlen's confirmation.

#### REVEALING INFORMATION SUPPORTED

I don't see that there would be anything hurtful in revealing this information. I would like to know if all of his aides that were connected with the—I understand this was connected with the National Security Council, wasn't it, and involved leaks that were given. In fact we saw those leaks in the papers ourselves at that time. They thought it was highly important. But if they were all tapped why then we might be concerned with all of them, all of us as a general principle. We are particularly concerned with one who is now on the staff of our committee and it seems to me we would be entitled to have full information on them.

The CHAIRMAN. Go ahead, Mr. Attorney General.

#### INFORMATION'S IMPORTANCE TO COMMITTEE AGREED WITH

Mr. RICHARDSON. There is certainly no disagreement between the committee and Mr. Ruckelshaus and myself with respect to the importance to the committee of the information about the procedure followed and Dr. Kissinger's role in it. The memorandum which has just been distributed to you in effect embodies all the information that can be gleaned from the report in that respect and it might be useful if I proceed from page 2 of this memorandum before we resume questioning.



SPECIAL PROGRAM OF WIRETAPS

In order to find the source of the leaks that have become of concern to the administration in the spring of 1969, a special program of wiretaps was instituted in mid-1969 and terminated in February 1971. The information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

Mr. Ruckelshaus, as he said earlier, in a press conference on May 14, 1973, elaborated further on this background. In all, 17 individuals were tapped as part of this special program. In each case a request for authorization was submitted to Attorney General Mitchell by the Director of the FBI, J. Edgar Hoover. All the requests for authorization were signed by J. Edgar Hoover and approved by John N. Mitchell.

The individuals tapped fell into three categories.

1. Governmental employees who had access to sensitive information;
2. Newsmen who had printed leaked information;
3. Governmental employees who were discovered from the taps themselves as possibly involved in the leaks.

Thirteen of the taps were governmental employees and four were newsmen. The first taps were installed in May 1969 and the last were taken off in February 1971. They ranged in length from 1 to 21 months.

The FBI report to Mr. Ruckelshaus reflects the concern over the leaks of sensitive information transmitted to the Attorney General and the Director of the FBI in early May 1969 by the President and Dr. Kissinger. The FBI records on which this report was based do not, however, reflect all the deliberations that led to any given wiretap or the relevance to the leaked information of all the taps placed. Some names to be tapped were generated by consultation between the NSC staff and William Sullivan, the FBI Assistant Director for Domestic Intelligence. When the NSC supplied a name the request for authorization to the Attorney General recited that fact with little elaboration by the FBI. This reflected the FBI's traditional role as the sole agency in the Federal Government that conducted national security wiretaps.

DR. KISSINGER'S ROLE

As best can be determined from the FBI records, Dr. Kissinger's role included expressing concern over leaks of sensitive material and when this concern was coupled with that of the President and transmitted to the Director of the FBI, it led to efforts to stem the leaks, which efforts included some wiretaps of Government employees and newsmen. His role further involved the supplying to the FBI of names of individuals in the Government who had access to sensitive information and occasional review of information generated by the program to determine its usefulness. Any further elaboration of his role would have to come from Dr. Kissinger himself.

This is all that can be found in the report. The rest of the report deals with the summary of information obtained about these individuals from the taps themselves.

I should elaborate a little, I think, because Mr. Ruckelshaus and I have talked to Dr. Kissinger in order to supplement our own under-

WILLIAM D. RUCKELSHAUS, ACTING DIRECTOR, FBI, PRESS CONFERENCE, MAY 14, 1973, 2:00 P.M.

Mr. CONNY. Good afternoon. This is an on the record news conference with William D. Ruckelshaus, Acting Director of the FBI. Mr. Ruckelshaus has a brief statement, after which he'll be pleased to respond to any questions. There are hand microphones on the sides of the room may I suggest it will be easier for all of us to hear if you use those when you do ask your questions. There is a background paper on wiretapping that's available to you. You may use it as you see fit. There is also a text of Mr. Ruckelshaus' statement and a full transcript of the entire news conference will be available, hopefully, later today.

Mr. RUCKELSHAUS. Gentlemen, I'd like to read this statement, in its entirety so that we have this problem in context before your questions.

Shortly after assuming this job, my attention was drawn to several newspaper and periodical accounts of electronic surveillances, better known as wiretaps, having been placed on telephones of government employees and newsmen in an effort to stem the leaks of information related to highly sensitive foreign policy issues. Upon inquiry, I was informed by FBI employees that these surveillances had been performed and that the records relating to them were missing from the FBI files. Also the question had been raised in the Ellsberg trial whether information from these alleged taps had been used by the prosecution in any way and thus tainted the evidence.

As a result of this information, I immediately ordered an investigation into the facts surrounding the taps and the missing records. The investigation was started Friday, May 4, 1973, and was conducted under my personal supervision by highly skilled FBI personnel at Headquarters. Forty-two separate interviews were conducted, all by Headquarters personnel, and included travel to Phoenix, Arizona; Tampa, Florida; Savannah, Georgia; New York City; and Stamford, Connecticut.

The investigation revealed that from May, 1969, to February, 1971, based on consultations between the Director of the FBI and the White House, certain wiretaps were instituted in an effort to pinpoint responsibility for leaks of highly sensitive and classified information which, in the opinion of those charged with conducting our foreign policy, were compromising the Nation's effectiveness in negotiations and other dealings with foreign powers.

There was a total of 17 wiretaps placed for this purpose. Four were placed on newsmen as the potential recipients of leaks and thirteen on government employees as the potential sources. The taps were on for varying lengths of time during the period in question; two for as little as 30 days and one for as long as 21 months.

These requests were handled in the same way as other requests involving national security for a number of years and in prior Administrations. When a government agency or the White House requests surveillance the request is studied by the senior officials of the FBI, and if the Director approves, authority is then requested from the Attorney General. If he approves, as was done in this case, the surveillance commences, summaries are prepared from the logs, which are transmitted to the interested agency, or as in this case, the White House.

Because of the sensitivity of these particular surveillances, the records were very closely held; first in the Director's Office and then on the Director's orders under the custody of Mr. W. C. Sullivan who was an Assistant to the Director.

The investigation indicates that sometime in the summer of 1971, after the taps were all taken off, Mr. Sullivan contacted Mr. Robert Mardian, who was then Assistant Attorney General in charge of the Internal Security Division, and informed him of the nature of these records and recommended that they be transferred to The White House. According to Mr. Mardian, the recommendation was made on the claim by Mr. Sullivan that Mr. Hoover might use the records in some manner against the Attorney General or the President. Mr. Sullivan does not affirm Mr. Mardian's claim. There is certainly no proof that Mr. Hoover had such intention but the charge had its desired effect. According to Mr. Mardian, he informed Mr. Mitchell, who in turn informed The White House. The records were taken from the files by Mr. Sullivan, who ordered them given to Mr. Mardian, who delivered them to The White House.

When the FBI discovered the records were missing upon Mr. Sullivan's retirement in the fall of 1971, it commenced an inquiry which ended when Mr. Hoover was informed by Mr. Mitchell that the records had been destroyed. It should be noted that Mr. Mitchell has denied making such a statement to Mr. Hoover. This conflict cannot be resolved because of Mr. Hoover's death. Mr. Mitchell, however, confirmed that the records were moved to The White House.

In any event, the FBI accepted the premise that the records had been destroyed, and when I assumed my present position, I had no reason to believe that the records were still intact. It was not until last Thursday night that our investigation revealed, during an interview with Mr. Mardian in Phoenix, that the records probably still existed and might be in The White House.

The next day the records were located in The White House, having been filed in a safe in Mr. Ehrlichman's outer office.

Unfortunately, the records were not located in time to respond to Judge Byrne's inquiries about the potential taint of evidence in the Ellsberg trial. The interception of Ellsberg's conversations all occurred when he was either a guest of Morton Halperin, National Security Council, or conversing with him. It was one of those conversations of Mr. Ellsberg which I had informed the Judge on Wednesday, May 9, 1973, had been remembered by one of our employees who had monitored the tape. Of course, whether the location of the records would have had any effect on the Judge's decision is not for me to say.

On Saturday an FBI Agent and I went to The White House, identified and retrieved the records and they now rest in the FBI files.

The investigation was conducted with skill, speed and effectiveness by the FBI and resulted in the full retrieval of the records. I believe it is in the public interest to reveal these facts so that this story can be put in proper perspective.

Now I have two more points that I want to make, gentlemen. One is that I recognize how very emotional the question of wiretaps is in our society, and I asked at the time this investigation started that a history of the use of electronic surveillances or wiretaps in the FBI or by the FBI be prepared. The handout that you now have or is available is the result of that inquiry. I felt that the history was informative and good enough that it warranted being handed out at this press conference so that again these taps can be placed in that historical perspective. Secondly, since I am sure it will be one of the first questions, I want to touch on the reasons why I have not revealed the names of the 17 people who were placed under electronic surveillance during the course of this effort to stem the leaks. At first I felt it was probably a good thing to reveal these names in the interest of openness and letting the public know precisely what happened. And upon reflection I concluded that the potential harm to be done by the release of these names outweighed the good that could result in the openness of revealing them. The potential harm is clear to the employees of the Government in that their positions in the Government since they were at least once under suspicion and most, if not all of them, have since been exonerated, might be jeopardized. It's less clear as to the newsmen as to why the names would not be released, but again, upon reflection and a certain degree of agonizing I concluded that the potential was still there for some harm to be done by revealing their names to the public. And I was finally persuaded by the realization that if I made a mistake in releasing the names there was nothing I could do about it, but if I make a mistake in not releasing them I can always rectify that mistake by doing so later. So in response to any of your questions as to what these names are, or who is involved, my answer will be the same and that is that I will neither confirm nor deny that any of the names that you request are the subjects of this surveillance. I'll now attempt to answer your questions.

#### LEAKS RESULTING IN SUBMISSION OF PARTICULAR NAME

The CHAIRMAN. Could you indicate what leaks, for example, occurred that resulted in the submission of a particular name? Does this occur in the summary?

Mr. RICHARDSON. No, it does not. The summary only contains the sort of general background that was described by Mr. Ruckelshaus in his May 14 statement and later by the President in his May 22 statement.

#### ATTORNEY GENERAL'S REQUESTS FOR TAPS

The CHAIRMAN. Does the summary indicate whether or not the Attorney General requested any names to be tapped?

Mr. RICHARDSON. There are two instances—I want Bill to hear this—the chairman's question was does the summary indicate any



2. In each of the seventeen cases of wiretapping in the program authorized by the President, the FBI wrote to Attorney General Mitchell requesting written authorization after receiving a directive for a tap. In each of the seventeen cases, the Attorney General authorized the wiretap. Mitchell has denied seeing or signing any such authorizations and denied seeing any summaries of wiretap logs.

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2.1 Elliot Richardson testimony, Senate Foreign Relations Committee Executive Session, September 10, 1973, 279 (made public October 4, 1973).....	158
2.2 William Ruckelshaus testimony, Senate Foreign Relations Committee Executive Session, September 10, 1973, 274 (made public October 4, 1973).....	159
2.3 John Mitchell interview, FBI, May 11, 1973 (received from Department of Justice).....	160
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him, of which he may be afraid or something of that sort, puts him in the control of the person who has that information to a degree which is intolerable and therefore it is something never to be used except in the most extreme circumstances. We have, as a committee, the duty on this occasion to make that point.

The CHAIRMAN. That is the point I am trying to make myself.

COMMITTEE REPRESENTATIVES NOT REQUIRED TO PASS JUDGMENT ON 17

Senator AIKEN. May I ask one question there. Would the representatives of this committee be required to pass judgment on the guilt or innocence of the 17 people?

The CHAIRMAN. No; that is not involved. It is the procedure that is involved.

Senator AIKEN. But if one of them was found——

PROCESS OF INITIATING ELECTRONIC SURVEILLANCE

Mr. RICHARDSON. May I make one comment, Mr. Chairman, in reply to Senator Case's statement. It should be clear both with respect to the past and certainly the future that the Secretary of State or the adviser to the President for national security affairs would not have in any event the power unilaterally to initiate electronic surveillance of any individual.

It should be reemphasized that in each instance here the specific request for authorization came from the Director of the Federal Bureau of Investigation who himself obviously bears responsibility with respect to techniques of investigation employed in the U.S. Government and in each instance, the request for authorization was approved by the Attorney General, and certainly as far as the future is concerned, any situation which was deemed by Dr. Kissinger to potentially justify, and I am not sure there would be any, given the history of this situation, but if it were to arise, the Secretary of State would come either to the Director of the FBI, Chief Clarence Kelly or to me, and we would have to exercise independent responsibility as to whether or not this technique would be employed.

The CHAIRMAN. Senator Church.

NO COURT ORDERS OBTAINED FOR 17 TAPS

Senator CHURCH. In connection with any of these 17 taps, I take it that no court order was ever obtained?

Mr. RICHARDSON. No.

CHANGE IN LAW CONCERNING WIRETAPS

Senator CHURCH. Has there been a change of the law in this respect as a result of subsequent court decisions or does it still lie within the power of the Attorney General himself to sign off a request by the Director of the FBI and wiretap anyone who may be thought suspect?

Mr. RICHARDSON. There has been a change in the law since the wiretaps in issue here. This was reflected in a decision of the Supreme Court of the United States in so-called *Keith* case, the *U.S. v. United States District Court* handed down in June of 1972. That decision held that the Constitution forbade the use of electronic surveillance

instance in which the Attorney General requested or originated a request for a wiretap, there are two.

Mr. RUCKELSHAUS. Yes, there are.

Mr. RICHARDSON. In every other case his role simply appears to have been that of approving the use of the wiretap.

#### ATTORNEY GENERAL'S DENIAL OF ASKING FOR TAPS

The CHAIRMAN. I thought that the Attorney General had said at sometime or another that he had never asked for specific names to be tapped?

Mr. RUCKELSHAUS. Mr. Chairman, I think I can answer that question. There had been stories that appeared starting in Time Magazine back in February of 1972 indicating the existence of these taps. There had been denials by Attorney General Mitchell of the existence of these taps starting then, and as the press conference record indicates this denial was, in effect, belied by the existence of the signed authorizations by the Attorney General himself on all 17 of these taps that were installed.

#### APPROVAL OF AUTHORIZATIONS

The CHAIRMAN. Did he sign the authorizations in blank and allow Mr. Kissinger to fill in the names?

Mr. RUCKELSHAUS. Mr. Kissinger never had anything to do with the authorizations themselves. That would be a request form that was sent from the director of the FBI requesting authorization to install a given wiretap to the Attorney General. On the bottom of that form would be a line for approval by the Attorney General.

The CHAIRMAN. Did he not approve them in blank?

Mr. RUCKELSHAUS. No, I am sure he did not.

The CHAIRMAN. In batches of three or four, is that not true?

Mr. RUCKELSHAUS. I am sure he did not approve these in blank, Mr. Chairman. But in fact signed them as he would receive them from the director of the FBI.

#### INITIATION OF TAPS

The CHAIRMAN. Is it fair to say that all but maybe one or two were initiated by Mr. Kissinger?

Mr. RUCKELSHAUS. No, I don't think that is fair to say that he initiated the taps themselves. I think the names were generated from a number of sources, including the members of the NSC staff who might have access to the information that was leaked. I think also some of the names were generated by the FBI when they overheard in the given wiretap names of people who might have been the source.

#### JUSTIFICATION OF AND RATIONALE FOR TAPS

The CHAIRMAN. Take [deleted] who was [deleted] to [deleted]. What in the world would be the excuse for tapping his phone? What could be the justification? This puzzles me as a matter of procedure. I am not particularly interested in what they found out, but it seems very odd to me that they would initiate a tap, and especially if Mr.

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 12, 1973

John G. Mitchell, former United States Attorney General, furnished the following information to the best of his recollection:

Sometime during the Spring or Summer of 1969 former FBI Director Hoover met with him and advised him that the FBI at that time had some wiretap coverage on certain individuals specifically requested by the White House. These wiretaps were reportedly instituted to uncover possible leaks emanating from the White House, specifically from the National Security Council. Mitchell stated it was not unusual for him not to have known of this at its inception since on many occasions Mr. Hoover would deal directly with the President or the White House on extremely sensitive matters, and circumvent the Attorney General's office. Mitchell stated that up until this meeting with Director Hoover he had no knowledge that any such special wiretaps requested by the White House were in effect. He stated to the best of his recollection the requests were made directly by the White House to either Mr. Hoover or former Assistant Director W. C. Sullivan, and involved five or six individuals, including N, P, and E. He stated N was a carryover from the Johnson Administration. He could not recall any other names. such

Mitchell stated he never saw nor approved any/requests for wiretap coverage from the FBI, stating none were submitted to him by the FBI. Mitchell stated the reason Mr. Hoover came to him at that time was because he, Hoover, was greatly concerned that such wiretaps were in effect and wanted Mitchell to informally intercede with the White House in an effort to discontinue these wiretaps. To the best of Mitchell's recollection he did, sometime thereafter, discuss these wiretaps with either Colonel Haig or Dr. Kissinger at the White House and they (Mitchell, Haig and/or Kissinger) agreed that these wiretaps could become "explosive" and that this whole operation was a "dangerous game we were playing." Mitchell stated, however, that to the best of his recollection nothing was done as a result of his informal discussions mentioned above at the White House. Mitchell stated that he not only never saw any written requests for Attorney General authorization for the placement of these wiretaps but he was also unaware of any summaries

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*NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.*



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that may have been prepared setting forth the results of these wiretaps. He stated if such authorizations were received at his office, he would personally handle them.

Mitchell stated to the best of his recollection the next time that he recalls hearing of this matter was during the period when former Assistant Director Sullivan was "on the skids" with Director Hoover and the FBI. The closest he could place this time was approximately early Fall of 1971. He vaguely remembers that Robert Mardian, the then Assistant Attorney General in Charge of the Internal Security Division, United States Department of Justice, contacted him, Mitchell, and at this meeting told Mitchell that he had just recently learned from W. C. Sullivan about the existence of wiretap coverage placed by the FBI at the request of the White House on certain individuals. Mardian indicated to Mitchell that Sullivan was furious over the way he was being treated by the Director and that for this reason he disclosed the information concerning the wiretaps to Mardian. Sometime thereafter, Sullivan turned over to Mardian all correspondence relating to this wiretap coverage.

During approximately this same period, Mr. Hoover contacted Mitchell and advised him of the problems he was having with Sullivan and, in fact, showed Mitchell a lengthy letter he, Hoover, received from Sullivan in which Sullivan accused Hoover of running contrary to the President's wishes in many instances. Mitchell recalls telling Mr. Hoover that he had no choice but to get rid of Mr. Sullivan. At this point Mitchell described Mr. Sullivan as being "a little nuts." Mitchell stated he recalls that after Mardian came to the Department of Justice as Assistant Attorney General in Charge of the Internal Security Division, Mr. Hoover became quite concerned over the fact that in many instances both Sullivan and his subordinate, 9 were going directly to Mardian concerning cases being handled by the Domestic Intelligence Division and the Internal Security Division of the Department, which was an attempt, Mr. Hoover felt, to cut him off from access to these discussions. To the best of his recollection Mitchell stated that Mardian informed him, Mitchell, that he subsequently turned over all wiretap correspondence that he had received from Sullivan to Mr. John Ehrlichman of the White House. According to Mitchell, Mardian felt this was in the best interests of the White House and everyone concerned. Mitchell adamantly stated that he had never seen any of these papers, that Mardian

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said he had received from Sullivan and then later turned over to the White House. Mitchell could not recall any details concerning this transfer of correspondence to Mardian, for example, specifically whether the documents were turned over to Mardian by Sullivan voluntarily or perhaps whether Mardian requested that Sullivan turn over the documents to him.

Mitchell was specifically asked if on or about October 2, 1971, Hoover contacted him concerning the fact that Mardian had in his possession sensitive material relating to the wiretap coverage, and the fact that Mitchell assured Hoover that Mardian had destroyed this material. Mitchell stated this could not have been true inasmuch as Mardian had turned over the sensitive material in question to Mr. Erlichman (sic) in the White House. He stated to the best of his recollection such a conversation did not take place between him and the Director and that he received no correspondence from the Director confirming such a conversation.

Mitchell suggested that if it has not already been done, that the FBI consider reviewing all correspondence relating to wiretap coverage in all national security cases which he would have been aware of during his tenure as Attorney General and which would now be located presumably in the vault in his former office. Mitchell stated that while he was Attorney General and during the pertinent period in question (1969 to 1971) his secretary was S5, whom he believes currently resides in \_\_\_\_\_, Florida.

Mitchell stated this was not the first instance where no record was made of sensitive wiretap coverage requested by the White House. Mitchell recalled soon after he came into office, Hoover related to him special wiretap coverage which was requested by former President Johnson on a highly sensitive matter. Mr. Mitchell would not furnish specifics concerning this particular coverage.

Concerning W. C. Sullivan, Mitchell related it was obvious he wanted the job of FBI Director since, on numerous occasions, Sullivan was in personal contact with various members of the White House staff and was always "name dropping and wheeling and dealing there" (White House).

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John G. Mitchell, former United States Attorney General, furnished the following information to the best of his recollection:

Sometime during the Spring or Summer of 1969 former FBI Director Hoover met with him and advised him that the FBI at that time had some wiretap coverage on certain individuals specifically requested by the White House. These wiretaps were reportedly instituted to uncover possible leaks emanating from the White House, specifically from the National Security Council. Mitchell stated it was not unusual for him not to have known of this at its inception since on many occasions Mr. Hoover would deal directly with the President or the White House on extremely sensitive matters, and circumvent the Attorney General's office. Mitchell stated that up until this meeting with Director Hoover he had no knowledge that any such special wiretaps requested by the White House were in effect. He stated to the best of his recollection the requests were made directly by the White House to either Mr. Hoover or former Assistant Director W. C. Sullivan, and involved five or six individuals, including N, P and E. He stated N was a carryover appointment from the Johnson Administration. He could not recall any other names.

Mitchell stated he never saw nor approved any such requests for wiretap coverage from the FBI, stating none were submitted to him by the FBI. Mitchell stated the reason Mr. Hoover came to him at that time was because he, Hoover, was greatly concerned that such wiretaps were in effect and wanted Mitchell to informally intercede with the White House in an effort to discontinue these wiretaps. To the best of Mitchell's recollection he did, sometime thereafter, discuss these wiretaps with either Colonel Faig or Dr. Kissinger at the White House and they (Mitchell, Faig and/or Kissinger) agreed that these wiretaps could become "explosive" and that this whole operation was a "dangerous game we were playing." Mitchell stated, however, that to the best of his recollection nothing was done as a result of his informal discussions mentioned above at the White House. Mitchell stated that he not only never saw any written requests for Attorney General authorization for the placement of these wiretaps but he was also unaware of any summaries

20 Broad Street

Interviewed on May 11, 1973 at New York, New York File # \_\_\_\_\_by SA 24  
SA 25 Date dictated May 11, 1973

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

that may have been prepared setting forth the results of these wiretaps. He stated if such authorizations were received at his office, he would personally handle them.

Mitchell stated to the best of his recollection the next time that he recalls hearing of this matter was during the period when former Assistant Director Sullivan was "on the slides" with Director Hoover and the FBI. The closest he could place this time was approximately early Fall of 1971. He vaguely remembers that Robert Mardian, the then Assistant Attorney General in Charge of the Internal Security Division, United States Department of Justice, contacted him, Mitchell, and at this meeting told Mitchell that he had just recently learned from W. C. Sullivan about the existence of wiretap coverage placed by the FBI at the request of the White House on certain individuals. Mardian indicated to Mitchell that Sullivan was furious over the way he was being treated by the Director and that for this reason he disclosed the information concerning the wiretaps to Mardian. Sometime thereafter, Sullivan turned over to Mardian all correspondence relating to this wiretap coverage.

During approximately this same period, Mr. Hoover contacted Mitchell and advised him of the problems he was having with Sullivan and, in fact, showed Mitchell a lengthy letter he, Hoover, received from Sullivan in which Sullivan accused Hoover of running contrary to the President's wishes in many instances. Mitchell recalls telling Mr. Hoover that he had no choice but to get rid of Mr. Sullivan. At this point Mitchell described Mr. Sullivan as being "a little nuts." Mitchell stated he recalls that after Mardian came to the Department of Justice as Assistant Attorney General in Charge of the Internal Security Division, Mr. Hoover became quite concerned over the fact that in many instances both Sullivan and his subordinate, were going directly to Mardian concerning cases being handled by the Domestic Intelligence Division and the Internal Security Division of the Department, which was an attempt, Mr. Hoover felt, to cut him off from access to these discussions. To the best of his recollection Mitchell stated that Mardian informed him, Mitchell, that he subsequently turned over all wiretap correspondence that he had received from Sullivan to Mr. John Erlichman of the White House. According to Mitchell, Mardian felt this was in the best interests of the White House and everyone concerned. Mitchell adamantly stated that he had never seen any of these papers, that Mardian

said he had received from Sullivan and then later turned over to the White House. Mitchell could not recall any details concerning this transfer of correspondence to Mardian, for example, specifically whether the documents were turned over to Mardian by Sullivan voluntarily or perhaps whether Mardian requested that Sullivan turn over the documents to him.

Mitchell was specifically asked if on or about October 2, 1971, Hoover contacted him concerning the fact that Mardian had in his possession sensitive material relating to the wiretap coverage, and the fact that Mitchell assured Hoover that Mardian had destroyed this material. Mitchell stated this could not have been true inasmuch as Mardian had turned over the sensitive material in question to Mr. Erlichman in the White House. He stated to the best of his recollection such a conversation did not take place between him and the Director and that he received no correspondence from the Director confirming such a conversation.

Mitchell suggested that if it has not already been done, that the FBI consider reviewing all correspondence relating to wiretap coverage in all national security cases which he would have been aware of during his tenure as Attorney General and which would now be located presumably in the vault in his former office. Mitchell stated that while he was Attorney General and during the pertinent period in question (1969 to 1971) his secretary was S5 , whom he believes currently resides in \_\_\_\_\_, Florida.

Mitchell stated this was not the first instance where no record was made of sensitive wiretap coverage requested by the White House. Mitchell recalled soon after he came into office, Hoover related to him special wiretap coverage which was requested by former President Johnson on a highly sensitive matter. Mr. Mitchell would not furnish specifics concerning this particular coverage.

Concerning W. C. Sullivan, Mitchell related it was obvious he wanted the job of FBI Director since, on numerous occasions, Sullivan was in personal contact with various members of the White House staff and was always "name dropping and wheeling and dealing there" (White House).

Twenty Broad Street

May 17, 1973

JUNE

PERSONAL AND CONFIDENTIAL

OSPICOV

The Honorable  
William D. Ruckelshaus  
Acting Director  
Federal Bureau of Investigation  
Department of Justice  
Washington, D. C.

Original impounded by  
court order. See memo  
in 63-16062-13/4-1

Dear Director:

I have read with more than great interest your statement of May 14, 1973, relative to electronic surveillance of certain government employees and newsmen commencing in the Spring of 1969. Such statement attributes to me certain actions which are contrary to my recollection and I would appreciate being advised as to the source of the information upon which you based such statements.

First, it is stated with respect to authorizations of electronic surveillance, "... and if the Director approves, authority is then requested from the Attorney General. If he approves, as was done in this case, the surveillance commences...."

Upon what evidence or information was this statement of my approval founded?

Second, it is stated with respect to an F.B.I. investigation of this matter in the Fall of 1971, "... it commenced an inquiry which ended when Mr. Hoover was informed by Mr. Mitchell that the records had been destroyed."

REC  
4/24/73

65-75085-21

10 MAY 30 1973

ack  
5/24/73  
10/1/73

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	ES
Mr. Soyars	_____
Mr. Thompson	_____
Mr. W. J. Rogers	✓
Tele. Room	_____
Mr. Eide	_____
Mr. Felt	_____
Mr. Gandy	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Mr. Tele. Room	_____
Mr. Holmes	_____
Mr. Harrison	_____
Mr. Conroy	_____
Mr. Egan	_____
Mr. Gandy	_____
Mr. Eardley	_____
Mrs. Hogan	_____

EXP. PROC.  
MAY 21 1973

The Honorable  
William D. Ruckelshaus  
Page 2

Upon what evidence or information was this statement of my so informing Mr. Hoover founded?

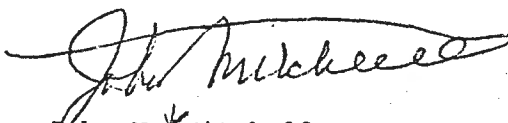
I would like to make one further observation with respect to the text of your statement. Therein it states that, "These requests were handled in the same way as other requests involving national security for a number of years and in prior Administrations."

If this be the case you will find in the appropriate files of the Attorney General's office written requests for authorization from the Director and information with respect to the action taken thereon by the Attorney General. I would also call to your attention the requirement of the Attorney General that all authorizations for national security electronic surveillance must be renewed every ninety days if they are to be continued.

My purpose in writing this letter is not to generate a confrontation with the F.B.I. or its Acting Director, but rather to obtain factual information which, if it exists, is contrary to my best recollection of the circumstances described.

With kindest regards and best wishes for your success in your current undertaking, I am,

Sincerely,

A handwritten signature in dark ink, appearing to read "John N. Mitchell", with a stylized flourish at the end.

John N. Mitchell

25 Broad Street, N.Y.C.

UNITED STATES GOVERNMENT

## Memorandum

ROUTE IN ENVELOPE

TO: Mr. Conrad *June*

FROM: C. F. Downing

DATE: May 18, 1973

SUBJECT: 0 SENSITIVE COVERAGE PLACED AT  
THE REQUEST OF THE WHITE HOUSE

JUNE

Original impounded by  
court order. See memo  
in 63-16062-13 *June*

Pursuant to the instructions of the Acting Director, relayed through Mr. Walters, an examination was conducted of the questioned John N. Mitchell signatures on fifteen documents authorizing technical installations and a comparison made of these signatures with signatures appearing on a number of similar documents maintained by Mr. Felt.

The conclusion was reached that all signatures were prepared by the same individual.

ACTION:

For information.

- 1 - Mr. Felt
- 1 - Mr. E. S. Miller
- 1 - Mr. Walters
- 1 - Mr. Conrad
- 1 - Mr. Downing
- 1 - Mr. Hegvold
- 1 - Mr. Tunstall

PGT

PGT:alf

(8) *alf*

REC-7

65-75085-24

MAY 31 1973

ROUTE IN ENVELOPE

TOP SECRET

IN 4 1973

Mr. Tolson	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Galt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Baise	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herington	_____
Mr. Conny	_____
Mr. Mintz	_____
Mr. Eardley	_____
Mrs. Hogan	_____



Indistinct document retyped by  
House Judiciary Committee staff

TOP SECRET

May 24, 1973

Mr. John N. Mitchell  
Twenty Broad Street  
New York, New York 10005

Original impounded by  
court order. See memo  
in 63-16062-13

Dear Mr. Mitchell:

Your letter of May 17, 1973, raises questions relating to my statement to the press on May 14, 1973, concerning electronic surveillances of certain individuals beginning in 1969.

Specifically, you requested information as to the source upon which my statement was based concerning your approval, as Attorney General, of the surveillances in question, and the basis or evidence upon which I stated that Mr. Hoover was informed by you that records relating to the above-mentioned electronic surveillances had been destroyed.

Inasmuch as the principals concerned with the implementation of the electronic surveillances are either deceased, as in the case of Mr. Hoover, or are no longer associated with the FBI, I relied on existing records of the FBI and on recollections of present and former employees of the FBI and the Department of Justice as the sources of my statement to the press.

As regards your approval of all these surveillances, we found in the records recovered from the White House all letters bearing both the signature of Mr. Hoover requesting the electronic surveillance and your own signature authorizing it on each such surveillance. On at least one such letter handwritten comments were added by you to indicate expeditious installation. At the time you were interviewed by FBI Special Agents on May 11, 1973, and denied that you had seen or approved any such requests from the FBI for wiretap coverage, we

1 - Mr. Miller 1 - Mr. Mintz (both sent separately)  
LMW:wmj (5)

See note page two

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House Judiciary Committee staff

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House Judiciary Committee staff

Mr. John N. Mitchell

had not recovered the FBI file material and, accordingly, the Agents were not in a position to apprise you that direct evidence to the contrary existed. There were statements by ex-employees that they had prepared Attorney General authorizations and had seen signed authorizations returned.

Handwritten notes of Mr. J. Edgar Hoover in the files of the FBI, as well as recollections of FBI officials, support my statement that Mr. Hoover was later informed by you that the records had been destroyed.

As to the practice of requiring from the Attorney General renewal authority for national security electronic surveillances on a ninety-day basis, according to our records our instructions were to maintain no records of the surveillances, and this was pointed out in the initial letter to you dated May 12, 1969, requesting approval for the first group of surveillances. Our records also reveal that although no ninety-day continuations were apparently sought, you were kept informed by letter from time to time as to which electronic surveillances had been discontinued.

Various documents among those recovered from the White House indicate that you were kept informed as to the status and existence of the surveillances in question, up to the time you were informed that all such surveillances had been discontinued.

The FBI has not suggested, publicly or otherwise, that these were other than lawful national security surveillances with respect to the request, authorization and installation of the electronic surveillances in question. We do believe that improprieties occurred when the records relating to the surveillances were removed from the official custody of the FBI without the knowledge or approval of the Director of the FBI.

I trust this answers the questions you have raised.

Sincerely yours,

William D. Ruckelshaus  
Acting Director

NOTE: Foregoing cleared with Office of Legal Counsel. Pursuant to AG Order 502-73, the Acting Director has authority to release such information to Mr. Mitchell. The documents involved may be subject to classification but the information in this letter would not reasonably be classified. The recollection of officials of the FBI referred to at top of page 2 refers to Messrs. Tolson and Felt.

-2-

Indistinct document retyped by  
House Judiciary Committee staff

May 24, 1973

REC-115-70085-21

Mr. John N. Mitchell  
Twenty Broad Street  
New York, New York 10005

JUNE

Dear Mr. Mitchell:

Original impounded by  
court order. See memo  
in 63-16062-13 *for*

Your letter of May 17, 1973, raises questions relating to my statement to the press on May 14, 1973, concerning electronic surveillances of certain individuals beginning in 1969.

Specifically, you requested information as to the source upon which my statement was based concerning your approval, as Attorney General, of the surveillances in question, and the basis or evidence upon which I stated that Mr. Hoover was informed by you that records relating to the above-mentioned electronic surveillances had been destroyed.

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1 - Mr. Miller 1-Mr. Mintz (both sent separately)  
LMW:wmmj (5)

See note page two

MAY 29 1973

Mr. Felt \_\_\_\_\_  
Mr. Baker \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Cleveland \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. G. Mohr \_\_\_\_\_  
Mr. Jenkins \_\_\_\_\_  
Mr. Marshall \_\_\_\_\_  
Mr. Miller, E. S. \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Thompson \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Mr. W. C. Sullivan \_\_\_\_\_  
Mr. Harbo \_\_\_\_\_  
Mr. Bates \_\_\_\_\_  
Mr. Brinkley \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Mr. Tele. Room \_\_\_\_\_  
Mr. Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

JUN 4 1973

MAIL ROOM ☐

TELETYPE UNIT ☐

TOP SECRET

Mr. John N. Mitchell

had not recovered the FBI file material and, accordingly, the Agents were not in a position to apprise you that direct evidence to the contrary existed. There were statements by ex-employees that they had prepared Attorney General authorizations and had been signed authorizations returned.

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William D. Ruckelshaus  
Acting Director

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3. Although standard Department of Justice procedure required an Attorney General to review national security wiretaps every ninety days in order to reestablish their necessity, Attorney General Mitchell undertook no review of any of the seventeen wiretaps.

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3.2 William Ruckelshaus deposition, <u>Halperin v.</u> <u>Kissinger</u> , July 25, 1973, 70 .....	176
3.3 Letter from William Ruckelshaus to John Mitchell, May 24, 1973 (received from Department of Justice)....	177

1626

of Mr. Magruder recounting to these assembled groups what he was going to testify to.

Mr. DASH. But would it be fair to say, Mr. Mitchell, that it was in the interest of the group to have the story that did go into the grand jury and the ultimate indictments that did come out cut off at Liddy? And Mr. Magruder, who was in such a high position in the committee, would not be involved in that type of thing?

Mr. MITCHELL. Mr. Dash, I think you are jumping from one conclusion to another without the bridge. What we were really concerned about were the White House horror stories. Now, if the cutoff that you speak of helped in that direction, perhaps that was probably the case. In other words, Watergate did not have the great significance that the White House horror stories that have since occurred had.

Mr. DASH. Would you say that whatever coverup was taking place to this point, concealment and not volunteering information, had to do with actually preventing the so-called White House horror stories rather than Watergate break-in?

Mr. MITCHELL. This was certainly my belief and rationale and I would believe the people in the White House, certainly some of them, might well be involved and certainly would have similar interests.

Mr. DASH. Well, did Mr. Dean, in carrying back the messages from Mr. Haldeman and Mr. Ehrlichman, indicate that he had in fact informed them of the actions that had been taken—the strategies performed by your group?

Mr. MITCHELL. I cannot say that he did or did not. I would have to believe that Mr. Dean was reporting to those gentlemen over there. Mr. Dean, as a proper lawyer, proper counsel, was very, very limited in his discussions of what he did or said with people in the White House and that is the way, of course, he should have acted.

Mr. DASH. I think you testified that you at least discussed with Mr. Haldeman and Mr. Ehrlichman the problems involved in the Liddy operations, the Ellsberg, and other situations?

Mr. MITCHELL. Yes, and that was somewhere down the line, probably much later than the time frame of which you are talking about in relationship to Mr. Magruder's appearance before the grand jury.

Mr. DASH. All right, now, let us look very briefly to the so-called wiretapping of the journalists and Mr. Kissinger's staff as a result of the SALT talk leaks. Were you aware of the leaking and those wiretaps?

Mr. MITCHELL. Mr. Dash, I find it hard to give you a specific answer other than the fact that, yes, I was. To what extent, I do not know. This happened in 1968 and they were national security wiretaps. They should have a full record of everything that was handled in the Department of Justice, because every security tap, whether it be a strict national security dealing with foreigners or whether it is the type that the court has since frowned upon, is filed in the Department of Justice.

Mr. DASH. But this would require your authority as Attorney General, would it not?

Mr. MITCHELL. I would believe that the FBI would probably not operate without it. I am not sure of that, but I believe that that would be the case.

1627

Now, let me go on to point out two other things. No. 1, I do not recall there being that many people involved. I remember some members of the National Security Council that they thought were very much suspect.

The second point I would like to point out, which gives me memory problems, is that in the newspapers, counsel said that some of these were on for a year and a half or 2 years, or something to that extent. Well, we have a rule that I put in the Department that where they had these national security taps, they had to be reviewed every 90 days. So there again, I would have had a memory jog along the way if this be the case.

So what I am saying is that I think your best evidence is over in the Department of Justice and not my recollection.

Mr. DASH. Well, would the President's recollection be of assistance, Mr. Mitchell? Are you aware of the President's statement of May 22?

Mr. MITCHELL. I am aware of that reference in the statement of May 22. I do not know where the information came from. It may quite conceivably be correct. I brought the matter up through correspondence with Mr. Ruckelshaus and I thought I got very fuzzy answers back. But as I say, the evidence is in the Department of Justice and you ought to have access to it.

Mr. DASH. But you do recall that in that statement of the President, the President did say that these areas did have the approval and were selected, along with others, by the Attorney General of the United States, who was you at the time?

Mr. MITCHELL. Mr. Dash, I have seen a lot of statements that come out that—I am not referring to the President, but in which people who dig out the information frequently get their facts wrong.

Mr. DASH. This is a very important statement by the President on May 22.

Mr. MITCHELL. I thought Mr. Buzhardt's statement was quite important as far as I was concerned, too, but I think we found out what the distinction was there.

Mr. DASH. You are not suggesting Mr. Buzhardt prepared the May 22 testimony?

Mr. MITCHELL. I am not suggesting anything.

Mr. DASH. Did you believe, Mr. Mitchell—and I use the term belief at this point—have any belief as to whether the President was aware of the events either prior to or after the break-in of the Democratic National Committee headquarters? When I say events, I mean the actual bugging or the coverup which took place thereafter?

Mr. MITCHELL. I am not aware of it and I have every reason to believe, because of my discussions and encounters with him up through the 22d of March, I have very strong opinions that he was not.

Mr. DASH. How do you arrive at that conclusion? Was it by particular conversations with the President that he talked to you about this subject, or did you talk to him about this subject?

Mr. MITCHELL. No, it is primarily—I do not want to say no to exclude it, and I will explain the natures of the conversations, if you so desire. As a matter of fact, you may go through that list and I will get a chance to do them one by one. What I am saying is that I think

Q To get back to this question of authorization, you say there were authorizations in the file?

A Yes.

Q Now, were these authorizations and requests for authorizations that preceeded it, were they for specific time periods?

A Yes, there is a procedure in the FBI that any National Security Wiretap can only be for a ninety day period. Then there has to be a request for a renewal.

Q Was that followed in Mr. Halperin's case, in a request for a renewal beyond the ninety days?

A As I recall, it was. I don't know. I haven't reviewed that file so there again the documents would indicate whether there was or wasn't.

Q Is this three month or ninety day period part of your standard operation procedure?

A Yes.

Q Would that be reflected in whatever manual you mentioned?

A I'm not sure there is such a manual or there is a standard operating procedure.

Q Or directive or whatever?

A I don't know.



3.3 WILLIAM RUCKELSHAUS LETTER, MAY 24, 1973

Indistinct document retyped by  
House Judiciary Committee staff

TOP SECRET

May 24, 1973

Mr. John N. Mitchell  
Twenty Broad Street  
New York, New York 10005

Original impounded by  
court order. See memo  
in 63-16062-13

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1 - Mr. Miller 1 - Mr. Mintz (both sent separately)  
LMW:wmj (5)

See note page two

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House Judiciary Committee staff

3.3 WILLIAM RUCKELSHAUS LETTER, MAY 24, 1973

Indistinct document retyped by  
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-2-

Indistinct document retyped by  
House Judiciary Committee staff

May 24, 1973

REC-100-4585-21

JUNE

Mr. John N. Mitchell  
Twenty Broad Street  
New York, New York 10005

Original impounded by  
court order. See memo  
in 63-16062-13 *for*

Dear Mr. Mitchell:

Your letter of May 17, 1973, raises questions relating to my statement to the press on May 14, 1973, concerning electronic surveillances of certain individuals beginning in 1969.

Specifically, you requested information as to the source upon which my statement was based concerning your approval, as Attorney General, of the surveillances in question, and the basis or evidence upon which I stated that Mr. Hoover was informed by you that records relating to the above-mentioned electronic surveillances had been destroyed.

Inasmuch as the principals concerned with the implementation of the electronic surveillances are either deceased, as in the case of Mr. Hoover, or are no longer associated with the FBI, I relied on existing records of the FBI and on recollections of present and former employees of the FBI and the Department of Justice as the sources of my statement to the press.

As regards your approval of all these surveillances, we found in the records recovered from the White House all letters bearing both the signature of Mr. Hoover requesting the electronic surveillance and your own signature authorizing it on each such surveillance. On at least one such letter handwritten comments were added by you to indicate expeditious installation. At the time you were interviewed by FBI Special Agents on May 11, 1973, and denied that you had seen or approved any such requests from the FBI for wiretap coverage.

1 - Mr. Miller 1 - Mr. Mintz (both sent separately)  
LMW:wmj (5)

See note page two

Mr. Tolson \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Bishop \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

JUN 4 1973

MAIL ROOM ☐TELETYPE UNIT ☐

TOP SECRET

JUN 20 1973

Mr. John W. Mitchell

had not recovered the FBI file material and, accordingly, the Agents were not in a position to apprise you that direct evidence to the contrary existed. There were statements by ex-employees that they had prepared Attorney General authorizations and had seen signed authorizations returned.

Handwritten notes of Mr. J. Edgar Hoover in the files of the FBI, as well as recollections of FBI officials, support my statement that Mr. Hoover was later informed by you that the records had been destroyed.

As to the practice of requiring from the Attorney General renewal authority for national security electronic surveillances on a ninety-day basis, according to our records our instructions were to maintain no records of the surveillances, and this was pointed out in the initial letter to you dated May 12, 1969, requesting approval for the first group of surveillances. Our records also reveal that although no ninety-day continuations were apparently sought, you were kept informed by letter from time to time as to which electronic surveillances had been discontinued.

Various documents among those recovered from the White House indicate that you were kept informed as to the status and existence of the surveillances in question, up to the time you were informed that all such surveillances had been discontinued.

The FBI has not suggested, publicly or otherwise, that these were other than lawful national security surveillances with respect to the request, authorization and installation of the electronic surveillances in question. We do believe that improprieties occurred when the records relating to the surveillances were removed from the official custody of the FBI without the knowledge or approval of the Director of the FBI.

I trust this answers the questions you have raised.

Sincerely yours,

William D. Ruckelshaus

William D. Ruckelshaus  
Acting Director

NOTE: Foregoing cleared with Office of Legal Counsel. Pursuant to AG Order 502-73, the Acting Director has authority to release such information to Mr. Mitchell. The documents involved may be subject to classification but the information in this letter would not reasonably be classified. The recollection of officials of the FBI referred to at top of page 2 refers to Messrs. Tolsen and Felt.

4. Unlike other national security wiretaps, the 1969-71 wiretaps were not entered in the FBI indices. The files and logs of the wiretaps were maintained only in the office of Director Hoover or Assistance Director William Sullivan and no copies were made. Such a procedure was requested by Colonel Alexander Haig when the program began.

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	Page
4.1 Interrogatories from William Ruckelshaus to William Sullivan and answers thereto, May 10, 1973 (received from Department of Justice).....	182
4.2 Memorandum from William Sullivan to C. D. DeLoach, May 11, 1969 (received from Department of Justice).....	189
4.3 Memorandum of a telephone call from William Sullivan to J. Edgar Hoover, May 10, 1969, 2:15 p.m. (received from Department of Justice).....	190

Mr. William C. Sullivan  
Director  
Office of National Narcotics Intelligence  
  
Acting Director, FBI

May 10, 1973

SENSITIVE COVERAGE PLACED AT REQUEST  
OF THE WHITE HOUSE

I have been informed that upon interview by an Inspector and a Special Agent of this Bureau you requested that all questions concerning this matter be directed to you in writing and that you would thereafter, to the best of your ability, answer each question presented. The following is in response to that request:

Background

As you know, in early 1969 the FBI was requested to initiate sensitive coverage (wiretaps) of certain White House staff members and others in order to uncover possible leaks at the White House affecting the national security. The purpose of this interrogatory is to fully resolve details of that coverage. You are requested to respond to the following:

1. The identity of the White House official or officials who requested that the FBI initiate this sensitive wiretap coverage and identity of any follow-up calls for similar coverage on others.
2. By what method were these requests for wiretap coverage transmitted to the FBI?
3. To what FBI official (s) were these requests made?
4. Was written authorization received at the FBI from then Attorney General Mitchell, as was the procedure in other national security matters of this nature? Was a written authorization secured from the Attorney General on each? If not, why? If so, where might such written authorization now be located?
5. Were there records of these wiretaps kept by the FBI at any time?

*Copy  
for Sullivan's file  
5/12/73  
NS*

TOP SECRET

Mr. William C. Sullivan

- a. If so, describe such records.
  - b. Where, when, and by whom were such records kept?
  - c. Were these records maintained in your personal and official custody while serving as Assistant Director and Assistant to the Director?
  - d. If so, on whose order were they so maintained?
  - e. Who had access to these records while in your custody?
  - f. What became of the records in your custody?
6. If some records were maintained by FBI personnel other than yourself describe the records, identify the persons having custody, the period of time of such custody, the present whereabouts of such records, if known, and if not known, any information in your possession relating to their maintenance and disposition.
7. Identify the officials in the United States Department of Justice and the FBI responsible for carrying out the wiretap program. Specify the duties and responsibilities of each.
8. To the best of your recollection, name the individuals on whom wiretaps were placed.
9. To the best of your recollection, state the approximate times during which each wiretap was in operation.
10. To the best of your recollection, describe the results achieved from each wiretap.
11. Identify all FBI personnel who had any connection with the installation, review, analysis, recording and dissemination of the results of the wiretap information in question.

Mr. William C. Sullivan

- [ 12. To whom and in what manner was such information disseminated?
13. From whom and in what manner were instructions issued to discontinue the wiretaps?
14. To whom in the FBI were these instructions issued? When did all such activity cease on wiretaps, the records of which were maintained in your custody?
15. On October 5, 1971, you advised Mr. W. Mark Felt that you gave Charles D. Brennan (now SAC at FBI Office in Alexandria) a brief case containing the sensitive material obtained as a result of the above wiretaps with instructions to Brennan to give the brief case to then Assistant Attorney General Robert Mardian. Describe in detail the contents of this brief case. Specifically cover whether it contained the authorizations from the Attorney General applicable to these wiretaps. When was this done? Was it done before or after you applied for retirement?
16. Who in the FBI made the decision to turn over internal FBI records directly to Mr. Mardian? What conversations did you have with others regarding this? With whom?
17. On whose authority was this decision made?
18. Why was this material turned over to Mr. Mardian?
19. What disposition was made of this material and by whom? Was the Attorney General aware of the disposition?
20. Were any copies made by you or anyone else to your knowledge of this sensitive material before or after its transmittal to Mr. Mardian? If so, what happened to them?
21. As this wiretap project was on-going, to whom in the White House or any other place were reports made concerning results obtained?
22. How were these reports conveyed (written or oral), and with what frequency were they made?

- 6 -



Mr. William C. Sullivan

23. Do you have any information which would indicate that any specific wiretap coverage continued after authorization was rescinded? If so, provide details.

24. Do you have any knowledge, or reason to believe that Mr. Mardian or anyone else turned over any material in this matter to Gordon Liddy, Howard Hunt, James McCord, John Dean, or anyone else at the White House or elsewhere? If so, provide details.

25. There have been leaks of FBI data concerning this matter to Time magazine and possibly other periodicals. Are you aware of the source of any such leaks? If so, provide details.

An expeditious response is requested.

TO : Mr. William D. Ruckelshaus  
Acting Director  
Federal Bureau of Investigation

FROM : William C. Sullivan  
Director  
Office of National Narcotics Intelligence

SUBJECT: SENSITIVE COVERAGE PLACED AT REQUEST  
OF THE WHITE HOUSE

DATE: May 11, 1973

TOP SECRET

Please refer to your memorandum to me of May 10, 1973. In answering your questions I will follow the format of your memorandum extending from question 1 through 25.

1. In regard to the White House, I think it would be most appropriate if this question was addressed to Mr. Haldeman.
2. By both conversations and written communications.
3. The requests were made either directly of Mr. J. Edgar Hoover or indirectly through myself.
4. Written authorization was secured from the Attorney General in each case.
5. Yes, these records were maintained in my office at the FBI.
  - (a) The records included logs, summaries and correspondence.
  - (b) As indicated, these records were maintained in my office.
  - (c) Yes.
  - (d) They were maintained by me on the orders of Mr. J. Edgar Hoover. He did not want them in FBI files and said so on two or three occasions.
  - (e) Mr. Bernard Wells, then a supervisor in the Domestic Intelligence Division, myself, and any secretary selected to handle the dictation (restricted to two for the most part).

These records, on Presidential and Attorney General request, were given to Mr. Robert C. Mardian, then Assistant Attorney General of the Internal Security Division of the Department.

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

TOP SECRET

6. The records were maintained, as indicated, in my office and not by personnel other than myself.
7. Apart from the secretaries, persons handling the wiretap program were <sup>2</sup> who handled liaison, Bernard Wells who handled the analysis and dictation, and myself handling administration.
8. To the best of my recollection, the individuals on whom wiretaps were placed included: <sup>O</sup> <sup>N</sup> <sup>P</sup>  
<sup>K</sup> , <sup>L</sup> , <sup>D</sup> and <sup>B</sup> There were others but I do not remember them at this time (around 16-18).
9. I do not remember the approximate times but the general time period was from 1969 - 1971.
10. The records were considered to be very helpful in some cases and in others they were of little or no value. I do not recall the specific elements involved.
11. It is suggested that the identity of FBI personnel who were connected with the installations be secured from the Washington Field Office. I do not know who made the installations. I have already set forth those handling the materials at the Seat of Government.
12. The material was disseminated by letter over Mr. J. Edgar Hoover's signature to the White House. For some time the letters were addressed to and sent to the President and Dr. Kissinger. Later they were sent only to Mr. Haldeman.\* A few summaries were prepared for the Attorney General in memorandum form.
13. As I recall, instructions to discontinue came from the White House and were relayed to Mr. Hoover.
14. In the main, these instructions were issued to me. However, Mr. Hoover did have some conversations with Mr. Ehrlichman, Mr. Haldeman, and Dr. Kissinger. As I recall, the wiretap activity ceased during the first part of 1971.
15. The contents of the case included logs and letters related to the special wiretaps project. As I recall, they did include the authorizations of the Attorney General. As previously indicated, on instructions this material was furnished to Mr. Mardian before my retirement.
16. I turned over the materials of this special project on instruction to Mr. Mardian. I had no conversation about it with others. It was my decision.

- 2 -

\*In May 1970 there was a meeting at the White House of the President, Mr. Haldeman and Mr. Hoover. They decided the letters would go to Mr. Haldeman.

Mr. William B. Ruckelshaus

17. As previously stated, on instruction I turned over the material, following a discussion in depth with Mr. Mardian relative to security and possible abuses of the material.
18. As previously stated, this material was turned over to Mr. Mardian in response to Presidential and Attorney General request.
19. The material was to be given maximum security. Where and by whom I do not know. I do not know whether the Attorney General was aware of the disposition.
20. No.
21. To Dr. Kissinger and later this was changed to Mr. Haldeman.
22. They were written reports, hand-carried. I do not recall the exact frequency but they were sent over whenever anything appeared on the logs which were relevant.
23. No.
24. No.
25. No, I am not aware of the source of such leaks. However, judging from the nature of this information and the precise details if correct, it would seem that some of it may have come from inside the FBI.

To: Mr. C. D. DeLoach

May 11, 1969

From: W. C. Sullivan

J U N E

Subject: COLONEL ALEXANDER M. HAIG  
TECHNICAL SURVEILLANCE REQUEST

Original impounded by  
court order. See memo  
in 63-16062-3. *lum*

(*SPICOV*)

Pursuant to my conversation with the Director, Sunday, May 11, 1969, there is enclosed a memorandum for the Attorney General which the Director may want to discuss personally with the Attorney General. It involves a high-level request for technical surveillance on four individuals whose names are contained in the memorandum.

As I told the Director, the request emanated from Colonel Alexander M. Haig, who is assigned to Dr. Henry A. Kissinger's staff. Haig came to my office Saturday to advise me the request was being made on the highest authority and involves a matter of most grave and serious consequence to our national security. He stressed that it is so sensitive it demands handling on a need-to-know basis, with no record maintained. In fact, he said, if possible it would even be desirable to have the matter handled without going to the Department; however, I was told the Attorney General is aware in general of the main elements of this serious security problem.

Colonel Haig said it is believed these surveillances will only be necessary for a few days to resolve the issue. We, of course, can handle the matter most discreetly through our Washington Field Office. Colonel Haig said it is not desired that there be any formal dissemination of the results of our coverage to his office. Instead, he will come to my office to review the information developed, which will enable us to maintain tight control of it.

RECOMMENDATION:

If approved, attached memorandum *see serial 263* will not be filed but will be maintained in a secure, off-the-record capacity as basis for authority to proceed in response to this request.

Enclosure *sent 5-12-69*

*1. ENCLOSURE  
1 orig. incl  
att*

*OK  
LL  
P*

*✓*

*65-75085-264*  
NOT RECORDED

JUN 6 1973

DO NOT FILE

JUN 11 1973

DO-6

OFFICE OF DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE  
May 10, 1969

MR. TOLSON \_\_\_\_\_  
MR. DELOACH \_\_\_\_\_  
MR. MOHR \_\_\_\_\_  
MR. BISHOP \_\_\_\_\_  
MR. CASPER \_\_\_\_\_  
MR. CALLAHAN \_\_\_\_\_  
MR. CONRAD \_\_\_\_\_  
MR. FELT \_\_\_\_\_  
MR. GALE \_\_\_\_\_  
MR. ROSEN \_\_\_\_\_  
MR. SULLIVAN \_\_\_\_\_  
MR. TAVEL \_\_\_\_\_  
MR. TROTTER \_\_\_\_\_  
MR. JONES \_\_\_\_\_  
TELE. ROOM \_\_\_\_\_  
MISS HOLMES \_\_\_\_\_  
MRS. METCALF \_\_\_\_\_  
MISS GANDY \_\_\_\_\_

2:15 pm

Assistant Director Sullivan tele

He said he had tried to reach Mr. Hoover at his home as he thought Mr. Hoover should know of certain developments in connection with the request of Dr. Kissinger yesterday.

He said Colonel Haig visited him this morning and made certain requests re a Colonel in the Pentagon. Mr. Sullivan does not want to move on this until he has gotten Mr. Hoover's approval - and "they" do not want anything in writing.

Mr. Sullivan said he would try to reach Mr. Hoover this evening or tomorrow.

hwg

*I talked to him  
on Sunday.  
X*

ENCLOSURE

5. Following the President's authorization of the 1969-71 wiretapping program, wiretaps were placed on the telephones of seven members of the staff of the National Security Council. The wiretaps for the seven specific members of the NSC staff were requested orally by Colonel Alexander Haig, who was then an assistant to the NSC Chairman, Kissinger. A renewed tap on one of these seven was later requested orally by H. R. Haldeman.

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Page

- 5.1 Memoranda from J. Edgar Hoover to the Attorney General,  
May 12, 1969, May 20, 1969, May 13, 1970 and May 13, 1970  
(received from Department of Justice)..... 192
- 5.2 Memoranda from J. Edgar Hoover to Tolson, Sullivan, and  
Brennan, October 15, 1970 and to the Attorney General,  
October 16, 1970 (received from Department of Justice.)... 198

OFFICE OF THE DIRECTOR

TOP SECRET



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 12, 1969

## MEMORANDUM FOR THE ATTORNEY GENERAL

RE: COLONEL ALEXANDER M. HAIG  
TECHNICAL SURVEILLANCE REQUEST

On May 10, 1969, Colonel Alexander M. Haig, who is assigned to Dr. Henry A. Kissinger's staff, came to this Bureau to advise that a request was being made on the highest authority which involves a matter of most grave and serious consequence to our national security. He stressed that it is so sensitive it demands handling on a need-to-know basis, with no record maintained. He requested that telephone surveillance be placed on the following individuals to determine if a serious security problem exists:

and <sup>O</sup> <sub>B</sub> ; <sup>N</sup> ; <sup>G</sup> ;

<sup>O</sup> is aged \_\_\_\_\_ and is Department of State employee who has been on detail to the National Security Council since \_\_\_\_\_. He was assigned to the Paris peace conference between \_\_\_\_\_ and \_\_\_\_\_. Applicant-type investigation by this Bureau indicated, while in Paris, he reportedly leaked information to newspaper concerning happenings at the peace conference. This apparently was at the beginning of his assignment, and after being warned he discontinued his reported leaks.

<sup>N</sup> , aged \_\_\_\_\_, was detailed from the Department of Defense to the National Security Council as a senior staff member on \_\_\_\_\_. He was the subject of an applicant-type investigation by this Bureau. While admittedly he has had contact with Soviet nationals the investigation did not disclose at that time any pertinent derogatory information.

The files of this Bureau contain no identifiable information concerning <sup>G</sup>

<sup>B</sup> was detailed to the National Security Council on \_\_\_\_\_, from the Department of State, where he had been employed in various administrative capacities since \_\_\_\_\_. An applicant-type investigation disclosed that during mid 1950's and early 1960's he was suspected of

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Excluded from automatic  
downgrading and  
declassification

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

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TOP SECRET

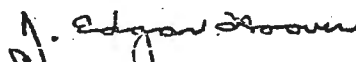
Memorandum for the Attorney General  
RE: COLONEL ALEXANDER M. HAIG

leaking classified information to unauthorized sources. Thorough investigations were conducted by Department of State; however, no information was developed indicating he was responsible for leaks.

Colonel Haig is Military Assistant to the Assistant to the President for national security affairs. He was the subject of an applicant-type investigation and no derogatory information was developed concerning him.

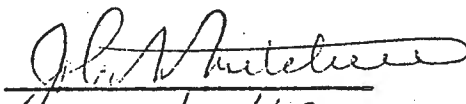
This Bureau is in a position to conduct the necessary telephone surveillances requested by Colonel Haig.

Respectfully,

  
John Edgar Hoover  
Director

APPROVED

DATE

  
5/12/69

- 2 -

TOP SECRET



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 20, 1969

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: COLONEL ALEXANDER M. HAIG  
TECHNICAL SURVEILLANCE REQUEST

My memorandum of May 12, 1969, reported that Colonel Alexander M. Haig, who is assigned to Dr. Henry A. Kissinger's staff, advised this Bureau that a request for telephone surveillances was being made on the highest authority which involved a matter of most grave and serious consequence to our national security. He stressed that because of its sensitive nature, it should be handled on a need-to-know basis, with no record maintained. In response to his request you authorized telephone surveillances on G O and B N

On May 20, 1969, Colonel Haig presented an additional request advising that it was also being made on the highest authority in connection with the same sensitive matter. He requested that telephone surveillances be placed on I and C both of whom are on the staff of the National Security Council.

I is aged \_\_\_\_\_ and served as a staff member with the National Security Council, Washington, D. C., from \_\_\_\_\_, to \_\_\_\_\_. From \_\_\_\_\_, to \_\_\_\_\_ he was a \_\_\_\_\_

Since \_\_\_\_\_ 1969, he has again been serving as a staff member of the National Security Council. Applicant-type investigations by this Bureau in 1966 and in 1969 disclosed no unfavorable information of a security nature concerning him.

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declassification

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Memorandum for the Attorney General  
RE: COLONEL ALEXANDER M. HAIG

C is aged \_\_\_\_\_ and was employed from  
to \_\_\_\_\_, by the Department of State. He is  
currently on the staff of the National Security Council.  
Applicant-type investigations were conducted by this Bureau  
concerning him in 1951, 1961, and in 1969. The investiga-  
tions disclosed no pertinent derogatory information of a  
security nature.

I and C resides at \_\_\_\_\_  
\_\_\_\_\_ and C resides at \_\_\_\_\_

This Bureau is in a position to conduct the necessary  
telephone surveillances requested by Colonel Haig.

Respectfully,

*J. Edgar Hoover*  
John Edgar Hoover  
Director

APPROVED

DATE

*J. L. A. Mitchell*  
5/20/69

*6 P.M. 5/20  
Court Jones, WFO, now  
advised Ben desired conf  
conveys I & C  
to be installed as soon as  
possible, per*

TOP SECRET

- 2 -



TOP SECRET  
UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 13, 1970

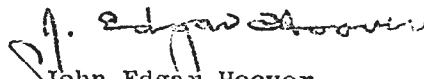
MEMORANDUM FOR THE ATTORNEY GENERAL

RE: K  
TECHNICAL SURVEILLANCE REQUEST

On May 12, 1970, Brigadier General Alexander M. Haig of the National Security Council Staff, advised that Dr. Henry A. Kissinger of the White House staff, had requested that as soon as possible a telephone surveillance be instituted on the home of K of the National Security Council Staff.

A survey has been conducted and it has determined that the installation of this telephone surveillance is feasible. If you approve, this installation will be placed by this Bureau.

Respectfully,

  
John Edgar Hoover  
Director

APPROVED 

DATE 5/13/70

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declassification

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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 13, 1970

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: L  
TECHNICAL SURVEILLANCE REQUEST

On May 12, 1970, Brigadier General Alexander M. Haig of the National Security Council Staff, advised that Dr. Henry A. Kissinger of the White House staff, had requested that as soon as possible a telephone surveillance be instituted on the home of L of the National Security Council Staff.

A survey has been conducted and it has determined that the installation of this telephone surveillance is feasible. If you approve, this installation will be placed by this Bureau.

Respectfully,

*J. Edgar Hoover*  
John Edgar Hoover  
Director

APPROVED *John A. Mitchell*

DATE 5/13/70

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Excluded from automatic  
downgrading and  
declassification

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(197)

OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

JUNE

4:22 PM

October 15, 1970

MEMORANDUM FOR MR. TOLSON ✓  
MR. SULLIVAN 2  
MR. C. D. BRENNAN 3

Mr. Tolson	✓
Mr. Casper	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Tavel	
Mr. Walters	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

Honorable H. R. Haldeman, Assistant to the President, called. He stated that Dr. Henry Kissinger had handed him a copy of some information, and he did not know whether I remembered it or not, which I had sent over to Dr. Kissinger a couple of days ago, from the \_\_\_\_\_ and the report there showed that this fellow \_\_\_\_\_ had a discussion with an unnamed person on the staff of the National Security Council. Mr. Haldeman asked if there was any way of figuring out who that was.

I told him there was not except that by keeping in touch with this fellow \_\_\_\_\_ we may be able to pick it up. Mr. Haldeman said that would be very helpful. He continued that on the other side, he would like me to put some coverage on \_\_\_\_\_ *B*. I told him I would do that; that I think where someone is trying to get information from people in highly sensitive positions and peddle it around, it is bad and we ought, of course, have complete coverage.

Mr. Haldeman said they have some concern on \_\_\_\_\_ *B* they may have a bad apple and have to get him out of the basket.

*B* Mr. Haldeman said it would be helpful if we could put this on \_\_\_\_\_ and I told him I would take care of it right away.

*J. E. H.*  
John Edgar Hoover  
Director

JEH:edm (1)

NOT RECORDED

JUN 8 1973

JUN 11 1973

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

October 16, 1970

MEMORANDUM FOR THE ATTORNEY GENERAL

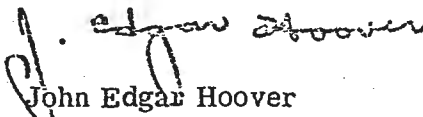
RE: SPECIAL COVERAGE AT THE  
REQUEST OF THE WHITE HOUSE

The Honorable H. R. Haldeman, Assistant to the  
President, has requested that the telephone surveillance on  
B be reinstituted.

B is an employee of the U. S. Department  
of State. You previously approved a telephone surveillance of  
him on May 12, 1969, which was discontinued on June 20, 1969.

This Bureau is in a position to conduct the  
necessary telephone surveillance requested by Mr. Haldeman.

Respectfully,

  
John Edgar Hoover  
Director

APPROVED 

DATE 10/19/70

TOP SECRET

GROUP 1

Excluded from automatic  
downgrading and  
declassification

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN  
AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL  
BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE  
COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED  
INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.





6. Five of the wiretaps on NSC employees were discontinued after a relatively short time (the shortest being one month); two continued for an extended period. Three of the staff members were subject to wiretaps for substantial periods after leaving the NSC. Two were tapped when they were no longer employed by the government, but were serving as advisers to a United States Senator who was a Democratic Presidential candidate.

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## Memorandum

TO : Mr. E. S. Miller

DATE: 5/13/73

FROM : Mr. T. J. Smith TJS

JUNE

SUBJECT: SENSITIVE COVERAGE PLACED AT THE  
REQUEST OF THE WHITE HOUSE

1-Mr. Eardley  
1-Mr. Felt  
1-Mr. E.S. Miller  
1-Mr. Walters  
1-Mr. Wannall  
1-Mr. T.J. Smith

Mr. Baker  
Mr. Callahan  
Mr. Cleveland  
Mr. Conrad  
Mr. Galtman  
Mr. Jenkins  
Mr. Marshall  
Mr. Miller  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Tele. Room  
Mr. Baker  
Mr. Bates  
Mr. Bowers  
Mr. Callahan  
Mr. Conrad  
Mr. Felt  
Mr. Gale  
Mr. Rosen  
Mr. Sullivan  
Mrs. Hogan

Pursuant to instructions of the Acting Director, I met him at 11:00 AM on 5/12/73 in the office of Mr. Leonard Garment at room 128 of the Executive Office Building. We met Mr. Fred Buzhardt who took us to a room with a vault and turned over to us two sealed boxes which we determined to be official records of the FBI which had been in the protective custody of former Assistant to the Director William C. Sullivan prior to his retirement in October, 1971.

Mr. Buzhardt said that the records should be examined and that a receipt describing them should be prepared and signed by me before they were removed from the vault. I then proceeded to examine the records and make an inventory in the form of a receipt. Each box was inventoried separately and a copy of the receipt prepared by me is attached for information.

I finished the inventory at about 2:30 PM and Mr. Garment then looked over the inventory receipt and I signed out of the vault with the two boxes of records at 2:45 PM. A Secret Service Agent who had remained in the vault area while the records were being inventoried drove me to the Federal Triangle Building where the Intelligence Division is located. The records are presently being maintained under secure conditions in your office.

The two boxes contain the original logs of intercepts of the various electronic surveillances operated; the original, signed letters to the Attorney General, each signed by him, requesting authorization to install the electronic surveillances; Original letters to President Nixon, Dr. Kissinger, Mr. Haldeman, and Mr. Ehrlichman reporting on the results of the electronic surveillances; the FBI yellow file copies on the above-mentioned letters; copies of letters to the Attorney General advising of discontinuances of the electronic surveillances; cover memoranda relating to letters to the Attorney General, The President, Dr. Kissinger, Mr. Haldeman, and Mr. Ehrlichman; miscellaneous other correspondence, including cables to and from \_\_\_\_\_ relating to electronic surveillance coverage arranged by our \_\_\_\_\_ there, and general background information.

Enclosures

TJS:ts

(7)

JUN 4 1973

ROUTE IN ENVELOPE

107 SIGN

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

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Original impounded by  
court order. See memo  
in 63-16062-13

A preliminary analysis of the contents of the two boxes of material has been made, it being noted that an in-depth study of the material would probably require several weeks. The following is a summary of that analysis:

It appears that the project of placing electronic surveillance at the request of the White House had its beginning in a telephone call to Mr. J. Edgar Hoover on 5/9/69 from Dr. Henry A. Kissinger, National Security Adviser to the President. Dr. Kissinger advised of a story on the front page of the \_\_\_\_\_ by \_\_\_\_\_ Q

Q was extraordinarily damaging and used secret information. Dr. Kissinger asked Mr. Hoover if he could make a major effort to find out where the information came from. Mr. Hoover agreed to see what could be done.

Dr. Kissinger called later the same day and referred to two other articles by \_\_\_\_\_ Q within the previous ten days and that the three stories may be tied together. Dr. Kissinger told Mr. Hoover this matter had top priority.

Mr. Hoover subsequently called Dr. Kissinger and told him that it was the conclusion of contacts we had made that information for the three articles could have come and probably did from a staff member of the National Security Council. Mr. Hoover named \_\_\_\_\_ N

as a possible suspect, noting that he was then a staff member of the National Security Council. He also gave Dr. Kissinger the name of \_\_\_\_\_, an employee of Systems Analysis Agency in the Defense Department, and apparently an associate of \_\_\_\_\_ N, and said that \_\_\_\_\_ N and \_\_\_\_\_ know

Q and considered him a part of the \_\_\_\_\_ clique.

Dr. Kissinger's calls were then followed up by a visit by then Colonel Alexander M. Haig, of Dr. Kissinger's staff, to the office of Mr. W.C. Sullivan. Colonel Haig made a request for electronic surveillance on four individuals and he said the request was being made on "the highest authority" and involved a matter of most grave and serious consequence to our national security. He also said that it was so sensitive that it demanded handling on a need-to-know basis with no record maintained. He said it would be desirable to have the matter handled without going to the Department. The request was referred by letter to the Attorney General dated 5/12/69, and the Attorney General signed the approval. This request named \_\_\_\_\_ O \_\_\_\_\_ N \_\_\_\_\_ G; and \_\_\_\_\_ B The letter contained no rationale other than that shown above.

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The records reveal that all of the special White House-requested electronic surveillance was discontinued on 2/10/71 and at that time nine were being operated. They are listed below with the dates on which approval was initially given by the Attorney General:

K	- Approved 5/13/70
P	- Approved 5/29/69
Q	- Approved 5/4/70
N	- Approved 5/12/69
L	- Approved 5/13/70
H	- Approved 5/4/70
A	- Approved 10/19/70
G	- Approved last 5/4/70
B	- Approved last 10/19/70

It is to be noted that of the above list, electronic surveillance had been installed and then discontinued on ~~then~~ <sup>G</sup> and <sup>B</sup> <sup>G</sup> and <sup>B</sup> were included in the first authorized on 5/12/69. <sup>G</sup> was discontinued 5/27/69 and reinstituted 5/4/70. <sup>B</sup> was discontinued 6/20/69 and re-instituted 10/19/70.

It is noted also that the surveillance on <sup>V</sup> was the only one which continued from the inception to the end of the special project. Two newsmen were still being covered at the time of discontinuance, <sup>P</sup> and <sup>Q</sup>

The following is a complete list by date order of all the individuals on whom electronic surveillance was placed at the request of the White House:

Daniel Davidson N 5-12-60	National Security Council 5/12/69 - 9/15/69
Mark Halperin 210	National Security Council 5/12/69 - 2/10/71
Gen Bob E Parsley 291-6-9	[Dept. of Defense] 5/12/69 - 5/27/69
	5/4/70 - 2/10/71
Walter S. Galt 291-6-9	National Security Council 5/12/69 - 10/19/70 to 2/10/71
Robert J. Casper 97	National Security Council 5/20/69 - 6/20/69

Hodwin Smith

John Seamus

I, [X] National Security Council 5/20/69 - 8/20/69  
P, [X] [Newsman] 5/29/69 - 2/10/71  
D, [X] [Newsman] 6/4/69 - 8/31/69  
E, [X] Ehrlichman's Office 7/23/69 - 10/2/69  
F, [X] , White House staff 8/4/69 - 9/15/69  
M, [X] [Newsman] 9/10/69 - 11/4/69  
Q, [X] [Newsman] 5/4/70 - 2/10/71  
H [X] State Department 5/4/70 - 2/10/71  
A [X] State Department 5/4/70 - 2/10/71  
K, [X] National Security Council 5/13/70 - 2/10/71  
L, [X] National Security Council 5/13/70 - 2/10/71  
J [X] White House staff 12/14/70 - 1/27/71

Examination of the original letters to the White House reporting on results of the various electronic surveillances maintained during the project reveals the following:

There were 37 letters to Dr. Kissinger dating from 5/13/69 to 5/11/70. There were 34 letters to the President dating from 7/10/69 to 5/12/70. There were 52 letters to Mr. H.R. Haldeman dated from 7/10/69 to 2/10/71. There were 15 letters to Mr. Ehrlichman dating from 9/22/69 to 7/25/69, and these all related to E who was apparently an assistant on Ehrlichman's staff. In addition to electronic surveillance on E the records reveal that the FBI also conducted a physical surveillance on E.

In connection with the surveillance of E the records reveal that electronic and physical coverage was brought about when the Attorney General called and said that the President had ordered him to tell the Director he wanted a 24-hour surveillance and a tap on E, and that we should report the results of the surveillance and tap to him. On 5/13/70, the Attorney General wrote in his own handwriting "Higher authority has requested that this be done immediately for use prior to Thursday."

It is to be noted that in addition to the E, coverage, the Attorney General also called and arranged for electronic surveillance of M, [a newsman]. The Attorney General said that the President wanted immediate coverage on. He also instructed that results should go only to the Attorney General and H.R. Haldeman. Letters written went to Dr. Kissinger, however. In this case, as in all of the others, the Attorney General personally signed the written approval for the M coverage.

Most of the electronic surveillances were instituted at the request of then Colonel Alexander Haig, who said that the coverage was being requested on the highest authority. Memoranda initially stated that Haig stressed that it was a matter of most grave and serious consequence to our national security, and no other rationale was given. There appeared to be an understanding that the coverage in each instance was based on the original conversations Mr. Hoover had with Dr. Kissinger concerning the serious and damaging leaks of information to the news media.

On occasion some specific rationale was given by Haig. In connection with the coverage of Q,

a correspondent, the rationale given was related to a serious leak concerning U. S. involvement in Haig. Haig said in this instance that the President had called him regarding a serious security violation involving a leak by Q concerning the situation. Haig said that this leak had been nailed down to "a couple of people" and he requested coverage on Q, H, G, and A. He also requested coverage on both residence and office of each, the first time the office was covered.

With reference to the coverage on F, the rationale used by Colonel Haig was that the coverage on P revealed that P and F were friends and that F told P what would be in a speech by the President.

In another instance the cover memorandum to the letter requesting Attorney General approval on the D coverage, said that Dr. Kissinger requested the coverage because D had been in contact with individuals on whom we had electronic surveillance coverage in the case.

The request to re-institute coverage on <sup>B</sup> in October, 1970 after it had been discontinued, was made to Mr. Hoover by H. R. Haldeman. Rationale given by Haldeman was vague; that they had some concern about <sup>B</sup> Apparently through some other coverage, possibly on the someone talked to an individual on the National Security Council and Haldeman implied that this may have been <sup>B</sup>

The records contain hundreds of pages of logs of transcripts of intercepts over the period the project was in operation. Complete review of all these logs would require an enormous amount of time. However, a preliminary review has been made of the letters to the President and members of his staff summarizing the results of the electronic surveillances and some examples of the material developed from the coverage are set forth below. It must be borne in mind that the significance of many of intercepts is not known to us. Only those familiar with U. S. foreign policy plans and considerations would be competent to determine the sensitivity of much of the material. Many of the intercepts related to foreign policy discussions and may or may not have been personal or public in nature.

It is to be noted that Dr. Kissinger accompanied Colonel Haig to Mr. Sullivan's office on 5/20/69 shortly after the coverage began, to read all the logs prepared to date. After reading the logs Dr. Kissinger said, "it is clear that I don't have anybody in my office that I can trust except Colonel Haig." He said that what he was learning as a result of the coverage was extremely helpful to him while at the same time very disturbing.

During coverage of <sup>P</sup> in July, 1969, <sup>P</sup> read a quotation to an unknown individual which he appeared to have gotten from someone in the White House. It read, "The President is weak. He has difficulty saying no. He wants to please all and he dislikes having to make a choice.....With a man like this, Henry Kissinger, of course, has great influence. But if we in the White House were only four or five, we could run the Government. As it is, we can't and Nixon has yet to find a way of doing that." The caller said, "This is harsh. This is someone in the White House?" <sup>P</sup> replied, "Yes."

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In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage, nor was there any specific instance of information being leaked in a surreptitious manner to unauthorized.

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In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage. nor was there any indication that information being leaked in a derogatory manner to unauthorized.

- 7 -

The summaries are full of examples of careless and loose talk about matters being handled in the White House by the persons in the White House on whom coverage was placed. Even the wives had a habit of discussing their husbands' work unnecessarily. For example, in one case Mrs. N in a conversation with a cemetery lot salesman, revealed that her husband had been working long hours preparing a speech for President Nixon to deliver shortly.

Various of the White House personnel were often in contact with newspaper men, and some were involved in close personal relationships with newsmen.

With specific respect to any monitoring of Daniel Ellsberg, a review of the logs of the N electronic surveillance revealed fifteen instances of Ellsberg on the N national security electronic surveillance. There is attached hereto a rough draft summary of the Ellsberg intercepts. It is to be noted that aside from one conversation on 11/22/70, which perhaps established a rationale for Ellsberg's anti-war posture, none of the intercepts of Ellsberg were related in any way to the Pentagon Papers investigation. Some of the intercepted conversations related to drugs such as LSD and marijuana.

There is one folder in the material bearing the code word           . This has to do with            the syndicated columnist. Nothing in the folder suggested that coverage of            had been requested by the White House or anyone. However, a number of personal letters marked "Top Secret - Do Not File" addressed to Mr. Hoover suggests that Mr. Hoover was aware of the            project. In essence,            apparently made a European trip in 1969 and someone desired electronic coverage of him while he was abroad.            made a special trip to            where he apparently arranged through the Legal Attache to have the            authorities place a microphone in            hotel room in           . There are logs indicating that microphone coverage was instituted and reported through the           . There are no tickler or file copies of any summary memoranda to indicate that the results of the coverage on            were ever furnished to anyone but Mr. Hoover.

For the time being all of these records are being maintained under secure conditions in Intelligence Division space. We will begin immediately to integrate the records into our regular "June" files and to prepare appropriate general and special electronic surveillance indices so that the integrity of the records will be maintained.

ACTION:

For information.

From

EM

Wah

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I mean self occur in impoundment of funds, executive privilege, classified information, and we have been able to avoid precise definitions over the years because of the practice of restraint upon the part of both the Presidency and the Congress.

What troubles many of us is that there is so much evidence that the restraints that have been honored in the past have been abandoned by some and that abandonment could lead to a society in which some men are more equal than others. That is really what is at the heart of our inquiry here. I do not detect in this discussion this morning any real revulsion against the notion that in national security, there certainly must be a guideline for the use of this technique. But when restraints are abandoned in secret then there is no check against the abandonment. This is what Senator Case is speaking about, this is what all of us are speaking about, so I express that as a matter of philosophy and I think it underlies this whole discussion.

For instance, in this list of 17, and I have not verified it, I have no way of verifying it, at least two of the names are names of people who were closely associated with me in a foreign policy advisory role throughout 1970 and most of 1971. I am naturally curious and interested as to whether or not when they became associated with -- they were no longer associated with the Executive Branch were still

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subject to electronic surveillance. If they were there is a possible inappropriate purpose as well as the continuance of an appropriate purpose. So the line becomes very obscure. And I think as a society we have got a right to know whether that line is slowly being breached and undermined to the detriment of the credence of all of us, so I am interested in this, Senator Javits suggestion, I am not sure it is the only one but it is a specific one, and I think we need to resolve some pertinent questions that were put this morning, I am not going to repeat them or try to find another set of words to put them in, but simply state the philosophical view and illuminate the point.

I will make this one point. Mr. Ruckelshaus emphasizes that these wiretaps were originated under the President's authorization and I would be curious to know whether or not that authorization was the result of some initiative taken by some person other than the President, somebody must have recommended to him that this technique be used. Who, was the one person, was it several, did it include Dr. Kissinger and so on. But it is of concern to us to know where these ideas originate, what their motivation is and whether or not there are greater responsibilities of people whose inclinations are in this direction.

Mr. Richardson. May I comment briefly, Senator Muskie, because I think you have, as have others, including Senator

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Senator Case. The next person chronologically whose tap was requested was Mr. L , requested on May 13, 1969. And as to that -- I am just trying to get the record -- requested by General Haig on behalf of Dr. Kissinger. Would you comment on what category this falls into?

Mr. Kissinger. Well, I have been -- you have to remember, Senator Case, that I have not seen this report until the day before I testified, and that I was one of those who strongly recommended that the report be given to the Committee, and when there was nuances of difference between my recollection and this report I nevertheless decided to stick to my recollection.

Now, the decision in the case of Mr. L , was my personal assistant, who knew everything in my office. who had been with me on secret negotiations with Le Duc Tho

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and who literally before whom I had no secrets, a man for whom I had then and for whom I continue to have the highest personal regard, and who will be able to verify the fact that even after he resigned I on many occasions told him if he ever wanted to reenter the Government I would do my best to help him in that respect.

L           resigned early -- during the Cambodian incursion in protest against the governmental policy. On the other hand, for financial and other reasons he was not prepared to leave his office right away. Now, I could have insisted that he depart but I had great personal affection for him and great confidence in him.

On the other hand, I think you will appreciate that within the White House my own judgment in hiring him was not exactly applauded, so we had a potential security problem here in the sense that a man had resigned in strong opposition to the President's policy but was still continued on the staff in a sensitive position and, moreover, still had all the files.

Now, I would not have remembered that I personally, that it was at my personal direction and I think again this may well have been an FBI euphemism but this was the reasoning that led to the tapping of Mr. L .

Senator Case. L   indicated to you in May of 1970, I guess, that he wanted to leave and I think he did leave in June of 1970.

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Mr. Kissinger. It can be easily determined when he in fact left, I know it was several weeks later or several months later.

Senator Case. Yes. The tap was suggested, asked for on May 13, 1969, yes, May 13, 1969. I do not mean -- I just want to point that out because it was a year later.

Mr. Kissinger. No, that is incorrect. It must be May 1970. I am certain that that is incorrect. He was not even working for me in May 1969. He joined my staff in June 1969, I believe.

Senator Case. I see.

Mr. Kissinger. And I am certain either your notes or the FBI report is wrong. It certainly followed his resignation from my staff.

Senator Case. From the staff, and we will check on that particular item.

Mr. Kissinger. I do not have the report here but it could not have been in May 1969, because he was not on my staff then.

Senator Case. He resigned then in June?

Mr. Kissinger. No, he resigned within a week of the Cambodian incursion.

Senator Case. Right. He left in June?

Mr. Kissinger. And he left the end of June.

Senator Case. 1970.

Mr. Kissinger. And I really have to check whether he left finally in June or whether it was a little later because he

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could have been kept on in some consultant status.

Senator Case. The fact that the taps were kept on him until February 10, 1971, after which -- during a part of which period he was part-time adviser to Senator Muskie that was not known to you at that time?

Mr. Kissinger. I think you will find, Senator Case, that certainly after May 1970, I never saw any reports on these taps.

Senator Case. Your statement here added to the, to Dr. Marcy's summary, indicates that is your position.

Mr. Kissinger. Yes, and therefore, I never saw any reports after that.

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Nov 30,

MORTON H. HALPERIN, et. al.,	:	
	:	
Plaintiffs,	:	
	:	
-v-	:	Civil Action No. 1187-73
	:	
HENRY A. KISSINGER, et. al.,	:	
	:	
Defendants,	:	
	:	

AFFIDAVIT

City of New York )  
) ss:  
State of New York)

MORTON H. HALPERIN, being duly sworn, deposes and says:

1. On May 9, 1969, in Key Biscayne, Florida, defendant Henry A. Kissinger informed me that I was suspected of leaking a story by Mr. William A. Beecher which had appeared in the New York Times several days before. The story reported that the United States had begun bombing Cambodia and provided some details of the bombing operation. Kissinger asked me whether I had provided any information to Beecher. I assured him that I had not. I pointed out that I could not have been the source of most of the information in the article since I had not had access to the information and did not know whether the story was accurate or not. Kissinger was well aware of this since everything I knew about the bombing, essential only the single fact that the United States had bombed Cambodia, I had learned in conversation with Kissinger. I had not had and never had access to any documents related to the bombing.

2. Kissinger indicated that he accepted my assurances

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but that others would not. He noted that as he had informed me previously, a number of high level figures in the Nixon Administration were suspicious of my political views and considered me disloyal to the administration. He informed me that for a period of time he would not give me access to any of the more sensitive information regarding national security matters. That way, he stated, if any information leaked I could not be blamed.

3. This period lasted until I resigned from the staff of the National Security Council in September of 1969. After May 9, 1969 I was given no access to sensitive material including information relating to private Vietnam negotiations, negotiations with the People's Republic of China, White House negotiations with the Soviet Union, and plans for troop withdrawals from Vietnam. Kissinger and defendant Alexander Haig were fully aware of this since they personally controlled access to such information.\*/ From May 9, 1969 on, my access was limited to information available to hundreds of others in the White House and the department of the Executive Branch. A number of other officials had access to the information about the bombing of Cambodia and, at least according to press reports, were not tapped. On the National Security Council staff, these

\*/ On one such matter--private Vietnam negotiations--Haig has so testified under oath at the so-called Pentagon Papers trial. He testified: "I would say from the period January '69 until his departure from the staff in August of '69 Mr. Halperin had regular access to the regular reporting traffic on the conduct of the formal negotiations within the Paris framework which had been established for some period and which was reconvened that year. He would have had full access to those as a member of the staff involved in South-east Asian and other affairs. He would not have had access to the more sensitive, third-party contacts which may have occurred during that period." (Transcript, p. 20,925.)

included Henry A. Kissinger, Alexander Haig, and Lawrence Eagleburger. Other officials, unknown to me, in the Departments of State and Defense also had access to this information. Information leaked to the press on other subjects was also available to a number of officials.

4. On August 6, 1969, I informed Kissinger of my desire to leave the National Security Council staff as soon as possible. At his request, my departure was delayed until September 19, 1969. Also at his request I agreed to become a consultant to him.

5. On September 19, 1969 I left the NSC staff and was notified that I had been appointed a consultant effective September 21, 1969.

6. On May 4, 1970, I sent Kissinger a letter resigning as a consultant. On May 13, I received a letter from Kissinger "confirm[ing] that you will no longer be carried on the rolls of the National Security Council staff for possible future consultation."

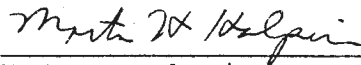
7. During the period September 20, 1969 to May 13, 1970, I had no access to any classified information. This was well known to Kissinger and Haig since only they would have given me access. (See also Haig testimony quoted above.)

8. During this period, I was employed by the National Security Council for only one day. On that day I wrote, at Kissinger's request, a memorandum on Vietnam. I had no access to classified information in the course of writing that paper.

9. After leaving the staff of the National Security Council in the period of September 1967 to February 1971, I engaged in a number of activities reflecting my political beliefs.

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I wrote articles for newspapers. I consulted with Senators, Congressmen, and their staffs on what positions they might take on public issues including Vietnam. In particular, I consulted with a number of people advising Senator Edmund Muskie in connection with his possible candidacy for President of the United States. At the time of the American invasion of Cambodia in the Spring of 1970, I consulted with a number of American citizens about various potential forms of citizen activity to protest American policy. Discussions related to all of these activities took place on my home telephone.



Morton H. Halperin

Subscribed and sworn to

This 12<sup>th</sup> day of November, 1973

  
Notary Public



7. In reports sent to the President, Henry Kissinger and H. R. Haldeman, none of the seven NSC employees was established to have been a source of leaked classified information.

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7.4 William Ruckelshaus news conference, May 14, 1973, reprinted in Senate Foreign Relations Committee Executive Session, September 10, 1973, 272-73 (made public October 4, 1973) .....	234
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7.1 SUMMARIES OF FBI LETTERS REPORTING ON WIRETAPS OF NSC EMPLOYEES

MR. B.

A summary addressed to Henry Kissinger on May 29, 1969, reported that Mr. B., a member of the National Security Council staff, had been in contact with a newspaper reporter who had had numerous contacts with individuals assigned to Soviet-bloc embassies.



7.1 SUMMARIES OF FBI LETTERS REPORTING ON WIRETAPS OF NSC EMPLOYEES

MR. C.

None of the summaries furnished to the House Judiciary Committee contained references to information obtained by the electronic surveillance of Mr. C, a member of the National Security Council staff.

7.1 SUMMARIES OF FBI LETTERS REPORTING ON WIRETAPS OF NSC EMPLOYEES

MR. I.

None of the summaries furnished to the House Judiciary Committee contained references to information obtained by the electronic surveillance of Mr. I, a member of the National Security Council staff.

7.1 SUMMARIES OF FBI LETTERS REPORTING ON WIRETAPS OF NSC EMPLOYEES

MR. K.

A total of eight summaries of information obtained from a wiretap on Mr. K., a member of the National Security Council staff, were sent to H.R. Haldeman between May 14, 1970 and December 28, 1970. The summaries reported only conversations regarding Mr. K.'s dissatisfaction with his job and some of the decisions being made. One summary reported on the political activity of an acquaintance of K. In addition, a summary dated November 3, 1970, was addressed to Mr. Kissinger and reported a conversation in which the parties made uncomplimentary remarks about Mr. Kissinger and the President.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

7.1 SUMMARIES OF FBI LETTERS REPORTING ON WIRETAPS OF NSC EMPLOYEES

MR. L.

H.R. Haldeman received 28 reports between May 14, 1970 and February 10, 1971 from the electronic surveillance of Mr. L., an employee of the National Security Council. The summaries reported the prospects that Mr. L and others could secure employment with Democratic politicians. The later summaries reported the activities of certain potential Democratic candidates for national office by whom Mr. L. was then employed. Some summaries reported contacts between Mr. L. and journalists.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

7.1 SUMMARIES OF FBI LETTERS REPORTING ON WIRETAPS OF NSC EMPLOYEES

MR. N.

A total of 27 summaries were prepared from the electronic surveillance of Mr. N.: eleven were addressed to the President starting on August 8, 1969 and ending on May 11, 1970; two were addressed to Dr. Kissinger in May and October 1969; and sixteen were addressed to H.R. Haldeman starting on May 14, 1970 and ending on January 29, 1971. The summaries reported conversations between Mr. N. and journalists, representatives of special interest groups and members of politicians' staffs expressing opposition to the Vietnam war. The summaries also reported the activities of potential Democratic candidates as those activities were mentioned to Mr. N. and the activities of a Democratic candidate for the Presidency by whom Mr. N. was employed in the latter part of the time covered by the wiretap. One summary reported Mr. N.'s refusal to follow a suggestion that he leak to a journalist a statement by Kissinger.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

7.1 SUMMARIES OF FBI LETTERS REPORTING ON WIRETAPS OF NSC EMPLOYEES

MR. O.

The President received summaries on May 28, 1969, July 25, 1969, August 1, 8, and 14, 1969 and September 3, 1969, and Henry Kissinger received a report dated May 20, 1969 with respect to the electronic surveillance of Mr. O., a former National Security Council staff member. The majority of the summaries reported contacts between Mr. O. and journalists. Although some of the discussions involved foreign policy negotiations, none of them revealed classified information.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

Mr. KISSINGER. [Deleted.] The origin of this particular program was a meeting in the President's office which I have described to you, and in which the President ordered the use of wiretaps, and in which my contribution was to describe leaks that had occurred. I would sum up the problem at the time as follows—and I had asked myself this question very much: Did I have any reason to suppose that the Government was doing anything wrong? And second, was I, in executing orders that I thought were legal, doing anything that was wrong or illegal?

I can say that the idea that this was not common practice or that this was in any sense illegal, simply never crossed my mind. I believed, when the Director of the FBI said this had been common practice in every previous administration, that it was a distasteful program that was being reinstituted in this administration. I do not from my own knowledge know that this program was carried out in previous administrations.

I have been told since, again by many people who should know, that it was carried out in previous administrations.

As to my own role, I think, what you have seen will support that I confined my participation scrupulously to individuals who had had access to the information, and that nobody was penalized as a result of this. On the contrary, many of the people who were part of the program became my closest associates, and others who had been part of this program had been kept on my staff against very strong opposition from many quarters. [Deleted.]

And after this one program I did not participate in any other internal security program of the administration so none of these memorandums to which Senator Symington referred to this morning, the Huston program, the Plumber program, or whatever else was done, or the approach to Mr. Helms in the Watergate episode, was conducted with any knowledge of my office or of me personally. I think this is what the committee should keep in mind when it assesses the degree of my own propensity to use such tactics.

Senator MUSKIE. When the experience of previous administrations was described, was it described as being used to uncover leaks?

Mr. KISSINGER. It was described as having been used to uncover leaks and to protect national security information. But I might have been remiss in not inquiring further into it.

Senator MUSKIE. I am not making that judgment necessarily.

Mr. KISSINGER. That is how it was described to me.

Senator MUSKIE. You see, I make a distinction between national security as a justification, and leaks. To close leaks and sources of leaks would require a surveillance effort that could be as wide as the 2½ million civil servants of this Government. If the closing of leaks is a sufficient justification, there is no limit. I gather, of course, from your testimony that there were limits to this in actual fact. But if you establish it as a principle, then the principle is pretty hard to contain.

[Deleted.]

#### BASIS FOR INITIATING WIRETAPS

Senator MUSKIE. Now with respect to each wiretap initiated as a result of the name that you provided, was that related to a specific leak of specific information? I know you couldn't recall. But was it your impression that it was a specific leak of specific information or a fishing expedition?

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Senator Symington. Well, you see, Senator Javits' question is extremely pertinent because we would like to know why first the tap was put on and secondly, why it was taken off so quick, I mean if we are going to get the facts.

You say he went on the White House --

Mr. Richardson. The reason it was put on was simply that papers flowed through his hands. It was not a question of the existence of any suspicion.

Senator Symington. Well, things happened, he resigned, he retired. He was not discharged.

Mr. Richardson. That is true.

Senator Symington. And I would like to leave it right there.

Now, you say that you returned the record from Mr. Ehrlichman and Mr. Ehrlichman, how do you know he has not got these tapes, these tapes. It is very easy to copy a tape.

Mr. Ruckelshaus. Well, the records are fairly voluminous, Senator, and what I think Mr. Ehrlichman did simply -- Mr. Ehrlichman simply held the taps as custodian from the White House after they were transferred from the FBI to the White House.

Senator Symington. My next to the last question would be have you taken any action against anybody as a result of information that you received on these tapes?

Mr. Ruckelshaus. The FBI has taken no action at all.

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Senator Symington. No, I meant -- we talk about raw files, and again, if I may quote my colleague from New York, they may be raw to us but they are not raw to you, and you know the facts, and we don't. My question would be based on the information that was in the tapes has any action been taken with respect to anybody who was tapped?

Mr. Ruckelshaus. I think Dr. Kissinger would be the best witness to that, Senator, because the purpose of the taps themselves was to discover whether any of these individuals was the source of leaks and there could be no way you could tell from that information just exactly how it could be put together with other information that could lead to that conclusion.

Mr. Richardson. The other corollary of what Mr. Ruckelshaus has said is there is nothing in the report we have been discussing in itself establishes that either an individual was the source of leaked information or that any action was taken with regard to him as a consequence of the taps.

Senator Symington. Would you file for the record, Mr. Attorney General, those people in the government who have seen the raw files in this particular case and also file for the record the names of anybody outside the government who has a copy of the FBI report?

Mr. Richardson. I certainly can't do the latter because

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House Judiciary Committee staff

WILLIAM D. RUCKELSHAUS, ACTING DIRECTOR, FBI, PRESS CONFERENCE, MAY 14,  
1973, 2:00 P.M.

Mr. CONMY. Good afternoon. This is an on the record news conference with William D. Ruckelshaus, Acting Director of the FBI. Mr. Ruckelshaus has a brief statement, after which he'll be pleased to respond to any questions. There are hand microphones on the sides of the room may I suggest it will be easier for all of us to hear if you use those when you do ask your questions. There is a background paper on wiretapping that's available to you. You may use it as you see fit. There is also a text of Mr. Ruckelshaus' statement and a full transcript of the entire news conference will be available, hopefully, later today.

Mr. RUCKELSHAUS. Gentlemen, I'd like to read this statement, in its entirety so that we have this problem in context before your questions.

Shortly after assuming this job, my attention was drawn to several newspaper and periodical accounts of electronic surveillances, better known as wiretaps, having been placed on telephones of government employees and newsmen in an effort to stem the leaks of information related to highly sensitive foreign policy issues. Upon inquiry, I was informed by FBI employees that these surveillances had been performed and that the records relating to them were missing from the FBI files. Also the question had been raised in the Ellsberg trial whether information from these alleged taps had been used by the prosecution in any way and thus tainted the evidence.

As a result of this information, I immediately ordered an investigation into the facts surrounding the taps and the missing records. The investigation was started Friday, May 4, 1973, and was conducted under my personal supervision by highly skilled FBI personnel at Headquarters. Forty-two separate interviews were conducted, all by Headquarters personnel, and included travel to Phoenix, Arizona; Tampa, Florida; Savannah, Georgia; New York City; and Stamford, Connecticut.

The investigation revealed that from May, 1969, to February, 1971, based on consultations between the Director of the FBI and the White House, certain wiretaps were instituted in an effort to pinpoint responsibility for leaks of highly sensitive and classified information which, in the opinion of those charged with conducting our foreign policy, were compromising the Nation's effectiveness in negotiations and other dealings with foreign powers.

There was a total of 17 wiretaps placed for this purpose. Four were placed on newsmen as the potential recipients of leaks and thirteen on government employees as the potential sources. The taps were on for varying lengths of time during the period in question; two for as little as 30 days and one for as long as 21 months.

These requests were handled in the same way as other requests involving national security for a number of years and in prior Administrations. When a government agency or the White House requests surveillance the request is studied by the senior officials of the FBI, and if the Director approves, authority is then requested from the Attorney General. If he approves, as was done in this case, the surveillance commences, summaries are prepared from the logs, which are transmitted to the interested agency, or as in this case, the White House.

Because of the sensitivity of these particular surveillances, the records were very closely held; first in the Director's Office and then on the Director's orders under the custody of Mr. W. C. Sullivan who was an Assistant to the Director.

The investigation indicates that sometime in the summer of 1971, after the taps were all taken off, Mr. Sullivan contacted Mr. Robert Mardian, who was then Assistant Attorney General in charge of the Internal Security Division, and informed him of the nature of these records and recommended that they be transferred to The White House. According to Mr. Mardian, the recommendation was made on the claim by Mr. Sullivan that Mr. Hoover might use the records in some manner against the Attorney General or the President. Mr. Sullivan does not affirm Mr. Mardian's claim. There is certainly no proof that Mr. Hoover had such intention but the charge had its desired effect. According to Mr. Mardian, he informed Mr. Mitchell, who in turn informed The White House. The records were taken from the files by Mr. Sullivan, who ordered them given to Mr. Mardian, who delivered them to The White House.

When the FBI discovered the records were missing upon Mr. Sullivan's retirement in the fall of 1971, it commenced an inquiry which ended when Mr. Hoover was informed by Mr. Mitchell that the records had been destroyed. It should be noted that Mr. Mitchell has denied making such a statement to Mr. Hoover. This conflict cannot be resolved because of Mr. Hoover's death. Mr. Mitchell, however, confirmed that the records were moved to The White House.

In any event, the FBI accepted the premise that the records had been destroyed, and when I assumed my present position, I had no reason to believe that the records were still intact. It was not until last Thursday night that our investigation revealed, during an interview with Mr. Mardian in Phoenix, that the records probably still existed and might be in The White House.

The next day the records were located in The White House, having been filed in a safe in Mr. Ehrlichman's outer office.

Unfortunately, the records were not located in time to respond to Judge Byrne's inquiries about the potential taint of evidence in the Ellsberg trial. The interception of Ellsberg's conversations all occurred when he was either a guest of Morton Halperin, National Security Council, or conversing with him. It was one of those conversations of Mr. Ellsberg which I had informed the Judge on Wednesday, May 9, 1973, had been remembered by one of our employees who had monitored the tape. Of course, whether the location of the records would have had any effect on the Judge's decision is not for me to say.

On Saturday an FBI Agent and I went to The White House, identified and retrieved the records and they now rest in the FBI files.

The investigation was conducted with skill, speed and effectiveness by the FBI and resulted in the full retrieval of the records. I believe it is in the public interest to reveal these facts so that this story can be put in proper perspective.

Now I have two more points that I want to make, gentlemen. One is that I recognize how very emotional the question of wiretaps is in our society, and I asked at the time this investigation started that a history of the use of electronic surveillances or wiretaps in the FBI or by the FBI be prepared. The handout that you now have or is available is the result of that inquiry. I felt that the history was informative and good enough that it warranted being handed out at this press conference so that again these taps can be placed in that historical perspective. Secondly, since I am sure it will be one of the first questions, I want to touch on the reasons why I have not revealed the names of the 17 people who were placed under electronic surveillance during the course of this effort to stem the leaks. At first I felt it was probably a good thing to reveal these names in the interest of openness and letting the public know precisely what happened. And upon reflection I concluded that the potential harm to be done by the release of these names outweighed the good that could result in the openness of revealing them. The potential harm is clear to the employees of the Government in that their positions in the Government since they were at least once under suspicion and most, if not all of them, have since been exonerated, might be jeopardized. It's less clear as to the newsmen as to why the names would not be released, but again, upon reflection and a certain degree of agonizing I concluded that the potential was still there for some harm to be done by revealing their names to the public. And I was finally persuaded by the realization that if I made a mistake in releasing the names there was nothing I could do about it, but if I make a mistake in not releasing them I can always rectify that mistake by doing so later. So in response to any of your questions as to what these names are, or who is involved, my answer will be the same and that is that I will neither confirm nor deny that any of the names that you request are the subjects of this surveillance. I'll now attempt to answer your questions.

#### LEAKS RESULTING IN SUBMISSION OF PARTICULAR NAME

The CHAIRMAN. Could you indicate what leaks, for example, occurred that resulted in the submission of a particular name? Does this occur in the summary?

Mr. RICHARDSON. No, it does not. The summary only contains the sort of general background that was described by Mr. Ruckelshaus in his May 14 statement and later by the President in his May 22 statement.

#### ATTORNEY GENERAL'S REQUESTS FOR TAPS

The CHAIRMAN. Does the summary indicate whether or not the Attorney General requested any names to be tapped?

Mr. RICHARDSON. There are two instances—I want Bill to hear this—the chairman's question was does the summary indicate any

## Memorandum

TO : Mr. E. S. Miller

DATE: 5/13/73

FROM : Mr. T. J. Smith TJS

JUNE

SUBJECT: SENSITIVE COVERAGE PLACED AT THE  
REQUEST OF THE WHITE HOUSE

1-Mr. Eardley  
1-Mr. Felt  
1-Mr. E.S. Miller  
1-Mr. Walters  
1-Mr. Wannall  
1-Mr. T.J. Smith

Mr. Tolson  
Mr. Casper  
Mr. Callahan  
Mr. Conrad  
Mr. Felt  
Mr. Gale  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Mr. Tele. Room  
Mr. Holmes  
Mr. Gandy  
Mr. Egan  
Mr. Harbo  
Mr. Mohr  
Mr. Nease  
Mr. Pennington  
Mr. Quinn  
Mr. Nease  
Mr. Egan  
Mrs. Gandy

Pursuant to instructions of the Acting Director, I met him at 11:00 AM on 5/12/73 in the office of Mr. Leonard Garment at room 128 of the Executive Office Building. We met Mr. Fred Buzhardt who took us to a room with a vault and turned over to us two sealed boxes which we determined to be official records of the FBI which had been in the protective custody of former Assistant to the Director William C. Sullivan prior to his retirement in October, 1971.

Mr. Buzhardt said that the records should be examined and that a receipt describing them should be prepared and signed by me before they were removed from the vault. I then proceeded to examine the records and make an inventory in the form of a receipt. Each box was inventoried separately and a copy of the receipt prepared by me is attached for information.

I finished the inventory at about 2:30 PM and Mr. Garment then looked over the inventory receipt and I signed out of the vault with the two boxes of records at 2:45 PM. A Secret Service Agent who had remained in the vault area while the records were being inventoried drove me to the Federal Triangle Building where the Intelligence Division is located. The records are presently being maintained under secure conditions in your office.

The two boxes contain the original logs of intercepts of the various electronic surveillances operated; the original, signed letters to the Attorney General, each signed by him, requesting authorization to install the electronic surveillances; Original letters to President Nixon, Dr. Kissinger, Mr. Haldeman, and Mr. Ehrlichman reporting on the results of the electronic surveillances; the FBI yellow file copies on the above-mentioned letters; copies of letters to the Attorney General advising of discontinuances of the electronic surveillances; cover memoranda relating to letters to the Attorney General, The President, Dr. Kissinger, Mr. Haldeman, and Mr. Ehrlichman; miscellaneous other correspondence, including cables to and from \_\_\_\_\_ relating to electronic surveillance coverage arranged by our \_\_\_\_\_ there, and general background information.

Enclosures

TJS:ts

(7)

JUN 4 1973

ROUTE IN ENVELOPE

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

Original impounded by  
court order. See memo  
in 65-10062-13-14

Indistinct document retyped by  
House Judiciary Committee staff

In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage, nor was there any specific instance of information being leaked in a surreptitious manner to unauthorized.

- 7 -

Indistinct document retyped by  
House Judiciary Committee staff

In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage. nor was there any evidence of information being leaked in a surreptitious manner to unauthorized.

8. In the cases of the four newsmen who were tapped, three were ordered by Colonel Haig. Kissinger has testified that the name of one of these three was presented by FBI Director Hoover to the President as a man who had connections with an allied foreign intelligence service and the decision to place a tap resulted from that presentation. The fourth newsman was a national television commentator. He was wire-tapped at the direction of Attorney General Mitchell. The Attorney General stated that the President requested that the commentator be placed under immediate electronic surveillance following the review by the President of an FBI report about the individual. Mitchell also requested physical surveillance of the commentator, but withdrew this request after being advised by the FBI of the difficulties involved.

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	Page
8.1 Memoranda from J. Edgar Hoover to the Attorney General, May 29, 1969, June 4, 1969 and May 4, 1970 (received from Department of Justice).....	240
8.2 Memoranda from C.D. DeLoach to Tolson, September 10, 1969 and from J. Edgar Hoover to the Attorney General, September 10, 1969 (received from Department of Justice).	243
8.3 Elliot Richardson testimony, Senate Foreign Relations Committee Executive Session, September 10, 1973, 277-78 (made public October 4, 1973).....	245
8.4 House Judiciary Committee summary of Henry Kissinger testimony, Senate Foreign Relations Committee Executive Session, September 17, 1973, 32-33.....	247
8.5 Courtland Jones note, undated (received from Department of Justice).....	248



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 29, 1969

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: COLONEL ALEXANDER M. HAIG  
TECHNICAL SURVEILLANCE REQUEST

My memoranda of May 12, 1969, and May 20, 1969, reported that Colonel Alexander M. Haig, who is assigned to Dr. Henry A. Kissinger's staff, advised this Bureau that a request for telephone surveillances was being made on the highest authority which involved a matter of most grave and serious consequence to our national security. He stressed that because of its sensitive nature, it should be handled on a need-to-know basis, with no record maintained. In response to his request, you authorized the requested telephone surveillances.

On May 28, 1969, Colonel Haig presented an additional request in connection with the same sensitive matter. He requested that a telephone surveillance be placed on P.

P resides at \_\_\_\_\_, and is with \_\_\_\_\_  
Recently he has been telephonically in contact with N  
on whom you authorized a telephone surveillance in  
captioned case. P is \_\_\_\_\_ of  
\_\_\_\_\_ and was stationed in \_\_\_\_\_. He is  
extremely active in Washington and has developed very sensitive  
high level contacts.

If you approve, a telephone surveillance will be  
placed by this Bureau on P.

Respectfully,

*J. E. Hoover*  
John Edgar Hoover  
Director

APPROVED *J. P. Mitchell*

DATE 5/29/69

TOP SECRET

GROUP 1

Excluded from automatic  
downgrading and

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN  
AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL  
BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE  
COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED  
INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.





UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

June 4, 1969

MEMORANDUM FOR THE ATTORNEY GENERAL

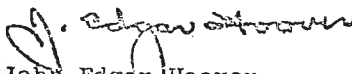
RE: COLONEL ALEXANDER M. HAIG  
TECHNICAL SURVEILLANCE REQUEST

My memorandum of May 29, 1969, as did two previous memoranda, reported that Colonel Alexander M. Haig, who is assigned to Dr. Henry A. Kissinger's staff, advised this Bureau that a request for telephone surveillances was being made on the highest authority which involved a matter of most grave and serious consequence to our national security. He stressed that because of its sensitive nature, it should be handled on a need-to-know basis, with no record maintained. You authorized the requested telephone surveillances.

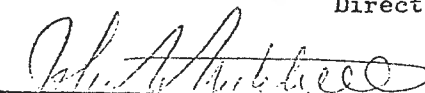
On this date Dr. Kissinger has requested that a telephone surveillance be placed on D, who is also known as                     . He is a correspondent with                      and has been in contact with the individuals on whom telephone surveillances have been placed. He resides at                     , and has telephone number                     . The files of this Bureau contain no pertinent information of an internal security nature concerning him.

Upon your approval, a telephone surveillance will be placed on D at his residence.

Respectfully,

  
John Edgar Hoover  
Director

APPROVED



DATE

6/4/69

TOP SECRET

GROUP 1

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downgrading and  
declassification

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 4, 1970

MEMORANDUM FOR THE ATTORNEY GENERAL

RE:

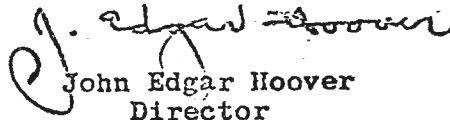
Q

TECHNICAL SURVEILLANCE REQUEST

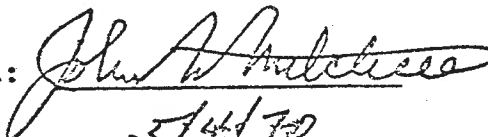
On the evening of May 2, 1970, Brigadier General Alexander M. Haig, of the National Security Council Staff, advised that a serious security leak had occurred concerning United States involvement in Cambodia. He requested that as soon as possible a telephone surveillance be instituted, if feasible, on the residence and office of Q

A survey is being conducted to determine if it is feasible to install a telephone surveillance on him. If it is determined to be feasible and you approve, this installation will be placed by this Bureau.

Respectfully,

  
John Edgar Hoover  
Director

Approved:



Date:

5/4/70

TOP SECRET

Group 1  
Excluded from automatic  
downgrading and  
declassification

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

UNITED STATES GOVERNMENT

## Memorandum

DO NOT FILE

ROUTE IN ENVELOPE

TO : MR. TOLSON

DATE: September 10, 1969

FROM : C. D. DE LOACH

SUBJECT:

**M**  
 REQUEST FOR ELECTRONIC SURVEILLANCE  
 BY ATTORNEY GENERAL AND PRESIDENT

The Attorney General (AG) called at 4:35 p. m. this afternoon and indicated that the President had reviewed the file on captioned individual which the Director had sent over to the AG yesterday afternoon, September 9, 1969. The AG stated that after reviewing the file, the President told him he wanted an immediate electronic surveillance (wiretap) put on this man. The AG stated this of course should be "accompanied by the other business."

I asked the AG what he meant. He stated that we should use whatever we might need in order to obtain information inasmuch as the President thought that **M** might be receiving information. I told the AG I of course was aware of the ramifications of a wiretap, but "by the other business" did he mean physical surveillance. It was pointed out that such a surveillance tied up six men on a 24-hour basis. The AG thought for a moment and then stated he thought the electronic surveillance would be sufficient at this time. He stated that copies of memoranda regarding this surveillance should be sent only to Mr. Ehrlichman at the White House and to himself.

This matter was immediately brought to your and the Director's attention.

ACTION:

There is attached a suggested memorandum to the AG, for the Director's signature, soliciting the AG's signature for approval of this wiretap. All memoranda pertaining to this matter should, as usual, be forwarded to \_\_\_\_\_ for retention.

Enclosure

CDD:hcs  
 (2)

ENCLOSURE

JUN 11 1973

DO NOT FILE

NOT RECORDED

JUN 8 1973

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.



TOP SECRET  
UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535

September 10, 1969

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: **M**

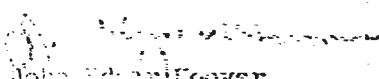
Pursuant to your request, a telephone surveillance will be placed on captioned individual upon receipt of your written approval.


**M** is a correspondent in Washington, D. C., for \_\_\_\_\_ . He has previously worked abroad for \_\_\_\_\_ in several countries, including the Soviet Union.

During interview in October, 1967, by Agents of this Bureau, he readily volunteered information concerning his contacts with Soviet-bloc personnel, but indicated he was not aware that any of them might have had intelligence significance, but if such should occur he would promptly contact the FBI.

Available information indicates that **M** resides at \_\_\_\_\_ . This Bureau will place a telephone surveillance at his residence upon receipt of your written approval. In view of the sensitive nature of this investigation, no record is being made concerning the coverage and it is requested that this memorandum be returned upon approval.

Respectfully,

  
John Edgar Hoover  
Director

APPROVED 

DATE \_\_\_\_\_

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

The CHAIRMAN. Did the tap already placed continue beyond his employment in the NSC?

Mr. RUCKELSHAUS. It was not continued or there was not a tap on [deleted] while he was a member of the committee staff.

Senator SPARKMAN. This committee?

Mr. RUCKELSHAUS. This committee staff.

The CHAIRMAN. It was discontinued then when he left the NSC?

Mr. RICHARDSON. Mr. Chairman. May I make an off-the-record statement?

The CHAIRMAN. Well, yes.

[Discussion off the record.]

#### GUARDING AGAINST LEAKS

Senator SPARKMAN. Mr. Chairman, you say you are walking a very narrow line. I think all of us ought to because we don't like to see these leaks that really concern important matters in the SALT talks, which were important, and other things that at that time were important. So far as I am concerned I have been asked lots of times if I felt my telephone was bugged and I said I had no idea and I did not care. They can bug mine any time they want to, but I do think we ought to be very careful. I am just saying this; it may not even be pertinent to the hearings this morning. But I hope we will get out of this situation and at the same time I know we have this job of guarding against leaks that might prove harmful to our country. That is all I care to ask.

The CHAIRMAN. Senator Aiken.

#### LEAKING NEWS TO ACHIEVE STATUS IN DISTRICT

Senator AIKEN. I used most of my time, Mr. Chairman. I simply would like to say I have noticed during the years I have been here that leaking classified or important news to certain newspapers appears to be one way of achieving status in the District. That is all I have.

#### DID DR. KISSINGER INITIATE ANY REQUEST FOR TAPS?

The CHAIRMAN. Mr. Ruckelshaus and Mr. Richardson, to the best of your knowledge did Dr. Kissinger initiate, I repeat, initiate, any request for taps?

Mr. RICHARDSON. The only answer I can give you to that insofar as we can construct the picture as a whole, no. It is true, on the other hand, that he or Colonel Haig on his behalf are identified in three instances in the formal requests for authorization submitted to Attorney General Mitchell as having requested taps.

The total picture, however, as reconstructed is one in which a decision was made as a result of a deliberative process involving the President and Kissinger and the director of the FBI that individuals on the NSC staff who had, or others who had access to this information should be the subject of taps, so that the decision that this would be done was not a Kissinger decision, even though for purposes of the form submitted to the Attorney General he is in some cases identified as the originator.

The CHAIRMAN. To the best of your knowledge he did not originate any of these requests?

Mr. RICHARDSON. Although he is identified in the FBI records as having requested taps directly or through Haig, my discussions with Dr. Kissinger have convinced me that he was not the originator, in the fundamental sense of the word, of any of these taps.

Mr. RUCKELSHAUS. Senator, in the President's statement of May 22 of this year in which he discussed this series of taps, he specifically states that he authorized the program among which were included wiretaps on certain individuals to try to stem these leaks and I think it was this authorization under which Dr. Kissinger was operating in supplying names either himself or through Colonel Haig to the FBI that resulted in taps.

Mr. RICHARDSON. That is all, Mr Chairman.

The CHAIRMAN. Senator Case.

Senator CASE. Thank you, Mr. Chairman.

#### NECESSITY OF COMMITTEE REPRESENTATIVE SEEING FBI REPORT

Mr. Chairman, I would like, if I could, to find some way in which we can reconcile this matter, but I can't find any way in my mind in which we can do it without a representative of this committee who is responsibly chosen, whomever the Chairman wants, perhaps one on each side, seeing the FBI report. This I think would be true in any event, and I think it be particularly true that we would be regarded and I would regard myself as negligent if we did not insist on the best evidence, and this is not impugn either the Attorney General or Mr. Ruckelshaus in any way.

They are giving us, I am sure, and they have given me privately, the best information about this, but I think we ought to see it or have it seen by a representative of this committee as the best evidence because we will be regarded as not doing our job if we don't and the public won't be satisfied unless we do this. Against the background of the misrepresentations that have been made to us in oral testimony by the highest officials of our Government, I think we would be just wrong with anything less, and while this is not exactly the same as seeing the files of a man under consideration for appointment himself or the files regarding him, it is, I should think, although somewhat less of an extreme concession to congressional prerogatives for us to see this, how the executive branch of the Government works. The purpose, as we all know, is to find out not only what has been done but what is likely to happen in the future, chiefly for two reasons: One, to give the American public as good an idea as they can get of the extent to which officialdom has the right to pry; and, two, and more particularly this new department or department new to this man, wonders what it must expect in all of its branches as far as supervision goes.

#### EFFECT AND USE OF WIRETAPS

Now, certainly it is not necessary to make an argument on behalf of wiretaps. All I can say is on that score, whether a person minds it or not, the device is one which potentially gives one man authority over another, control over another, and renders that second person a person tapped, in case of any kind of thing that may be harmful to

Classified testimony of Dr. Henry Kissinger before the Senate Foreign Relations Committee has been withheld from publication in accordance with the rules of that committee. In that testimony, Dr. Kissinger discussed the installation of a wiretap on Mr. P and testified generally that he knew P well, and that P did not fit any of the categories Kissinger knew of for wiretaps. Mr. P. had many high level contacts in Washington, and other sensitive contacts. Dr. Kissinger further testified that P's news stories rarely included leaked material but Dr. Kissinger believed that the tap of P was on a national security basis.

NATIONAL SECURITY COUNCIL

Original impounded by  
court order. See memo  
-in 63-16062-13, 14

the \_\_\_\_\_ and \_\_\_\_\_ Washington Correspondent for  
at the Occidental Restaurant on August 6, 1969. \_\_\_\_\_  
arrived at about 1 p.m., and \_\_\_\_\_ joined him at a table  
in the West Room at 1:10 p.m. They engaged in a continuing  
conversation while they lunched and departed the restaurant  
at 2:45 p.m. They walked to the vicinity of the Executive  
Office Building, during which time they continued in conver-  
sation. They parted in the vicinity of the Executive Office  
Building at about 3 p.m.

Enclosed are photographs of N and P taken as they departed the West Room of the Occidental Restaurant, leaving the entrance to the restaurant and walking thereafter toward the White House.

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9. According to the FBI, the FBI reports on the wiretaps of the four newsmen showed that none of them had obtained information in a surreptitious or unauthorized manner.

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	Page
9.1 Memorandum from T. J. Smith to E. S. Miller, May 13, 1973, 1, 7 (received from Department of Justice) .....	250
9.2 Summaries of FBI letters reporting on the surveillance of four newsmen, prepared by House Judiciary Committee staff .....	253
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## Memorandum

TO : Mr. E. S. Miller

DATE: 5/13/73

FROM : Mr. T. J. Smith TJS

JUNE

SUBJECT: SENSITIVE COVERAGE PLACED AT THE  
REQUEST OF THE WHITE HOUSE

1-Mr. Eardley  
1-Mr. Felt  
1-Mr. E.S. Miller  
1-Mr. Walters  
1-Mr. Wannall  
1-Mr. T.J. Smith

Pursuant to instructions of the Acting Director, I met him at 11:00 AM on 5/12/73 in the office of Mr. Leonard Garment at room 128 of the Executive Office Building. We met Mr. Fred Buzhardt who took us to a room with a vault and turned over to us two sealed boxes which we determined to be official records of the FBI which had been in the protective custody of former Assistant to the Director William C. Sullivan prior to his retirement in October, 1971.

Mr. Buzhardt said that the records should be examined and that a receipt describing them should be prepared and signed by me before they were removed from the vault. I then proceeded to examine the records and make an inventory in the form of a receipt. Each box was inventoried separately and a copy of the receipt prepared by me is attached for information.

I finished the inventory at about 2:30 PM and Mr. Garment then looked over the inventory receipt and I signed out of the vault with the two boxes of records at 2:45 PM. A Secret Service Agent who had remained in the vault area while the records were being inventoried drove me to the Federal Triangle Building where the Intelligence Division is located. The records are presently being maintained under secure conditions in your office.

The two boxes contain the original logs of intercepts of the various electronic surveillances operated; the original, signed letters to the Attorney General, each signed by him, requesting authorization to install the electronic surveillances; Original letters to President Nixon, Dr. Kissinger, Mr. Haldeman, and Mr. Ehrlichman reporting on the results of the electronic surveillances; the FBI yellow file copies on the above-mentioned letters; copies of letters to the Attorney General advising of discontinuances of the electronic surveillances; cover memoranda relating to letters to the Attorney General, The President, Dr. Kissinger, Mr. Haldeman, and Mr. Ehrlichman; miscellaneous other correspondence, including cables to and from \_\_\_\_\_ relating to electronic surveillance coverage arranged by our \_\_\_\_\_ there, and general background

Enclosures

TJS:ts

(7)

JUN 14 1973

ROUTE 11 ENVELOPE

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House Judiciary Committee staff

[ In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage, nor was there any specific instance of information being leaked in a surreptitious manner to unauthorized.

- 7 -

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In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage. nor was there any indication of information being relayed in an unauthorized manner to unauthorized.

9.2 SUMMARIES OF FBI LETTERS REPORTING ON SURVEILLANCE OF NEWSMEN

MR. D.

Reports were sent to the President on August 1, 1969 and August 13, 1969, and to H.R. Haldeman on June 19, 1970, with respect to electronic surveillance of the residence of Mr. D., a newsman. The summaries reported on discussions between Mr. D. and persons employed by the present and past administrations relating to policy in Vietnam and other foreign policy matters.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

9.2 SUMMARIES OF FBI LETTERS REPORTING ON SURVEILLANCE OF NEWSMEN

MR. M.

Reports were sent to Attorney General Mitchell on October 9, 1969 and to the President on October 10, 1969 with respect to electronic surveillance of the residence of Mr. M., a newsman. The summaries reported only personal family matters, news coverage of future events, and a discussion of criticism of the President by the media.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

9.2 SUMMARIES OF FBI LETTERS REPORTING ON SURVEILLANCE OF NEWSMEN

MR. P.

With respect to the electronic surveillance of Mr. P., a newsman, reports were sent to the President on May 28, 1969, July 10, 15, 25, 1969, August 1, 13, 1969, October 24, 1969, November 6, 14, 17, 27, 1970, and May 11, 1970; to Henry Kissinger on May 29, 1969, December 3, 1969, January 15, 21, 1970; and to H.R. Haldeman on May 14, 21, 1970, June 23, 25, 29, 1970, July 7, 10, 1970, October 29, 1970, December 15, 18, 22, 1970, and January 7, 19, 22, 27, 29, 1971.

The summaries reported conversations between Mr. P. and other journalists, State Department officials of both present and past administrations, past and present cabinet officers and others, about foreign policy in Vietnam, Europe and the Middle East and a wide variety of domestic political matters. Summaries reported on the personal life of Mr. P. and others, and on the activities, both personal and political, of persons in Congress.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

9.2 SUMMARIES OF FBI LETTERS REPORTING ON SURVEILLANCE OF NEWSMEN

MR. Q.

A report was sent to Henry Kissinger on May 13, 1969, and reports were sent to H.R. Haldeman on May 18, 1970, September 4, 1970, October 23, 1970, November 13, 1970, and January 5, 7, and 19, 1971, with respect to the electronic surveillance of Mr. Q. a newsman. The summaries related to stories Mr. Q. was writing or checking about foreign policy, primarily in the Middle East and Vietnam, none of which related to leaked material.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.



2-Only. and 1  
I-yellow

The Attorney General John N. Mitchell

October 9, 1969

Director, FBI

*Special*

*JUNE*

**INFORMATION CONCERNING**

Reference is made to my letter dated September 25, 1969, in which you were advised that the telephone surveillance had been installed on the residence of **M** on that date.

You might be interested in knowing that the conversations which have been monitored to date have related primarily to matters of a personal family nature or matters arising out of **M's** employment as Washington representative of the \_\_\_\_\_ Several conversations have been noted relating to dinner commitments with family friends, arrangements to accompany individuals to social functions, etc. Mr. **M** is engaged in some conversations with other representatives of \_\_\_\_\_ such as a conversation with \_\_\_\_\_ (phonetic) on September 30, 1969, concerning coverage of Secretary of State Rogers' meetings with Prime Minister Golda Meir and Soviet Foreign Minister Andrei Gromyko.

In view of the nature of the conversations which have been monitored, I would appreciate being advised if you desire this telephone surveillance to be continued.

*mls*  
JAS:mls (3)

(Classified SECRET as unauthorized disclosure might adversely affect national security.)

*Per*

- Tolson \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Mohr \_\_\_\_\_
- Bishop \_\_\_\_\_
- Casper \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- Felt \_\_\_\_\_
- Gale \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

*K-1*  
*VCS*  
NOT RECORDED

JUN 6 1973

SENT FROM \_\_\_\_\_  
TIME \_\_\_\_\_  
DATE \_\_\_\_\_  
BY \_\_\_\_\_

Enclosed are automatic downgrading and declassification

MAIL ROOM ☐ TELETYPE UNIT ☐ DECLASSIFICATION

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10. Wiretaps were ordered on three White House staff members working in areas unrelated to national security and with no access to National Security Council materials. One wiretap was requested orally of Assistant FBI Director DeLoach by Attorney General Mitchell who represented the order as coming from the President. This tap was specifically denominated as off the record. This White House staff member worked for John Ehrlichman, who received the wiretap reports on him. A wiretap on a second White House staff member was requested orally by Colonel Haig. The third White House staff member was wiretapped at the request of H. R. Haldeman.

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10.3 Memoranda from J. Edgar Hoover to the Attorney General, August 4, 1969, December 14, 1970 (received from Department of Justice).....	267
10.4 Memoranda from C.D. DeLoach to Tolson dated July 23, 1969, from William C. Sullivan to C.D. DeLoach, July 23, 1969, and from J. Edgar Hoover to the Attorney General, July 23, 1969 (received from Department of Justice)....	269
10.5 Memorandum from W.C. Sullivan to Tolson, December 16, 1970 (received from Department of Justice).....	274
10.6 H.R. Haldeman interview, FBI, May 12, 1973 (received from Department of Justice).....	275

3 Senator McGee. Were there any items or factors not  
4 associated with the sensitive diplomacy that were associated  
5 with the leaks that were presented that entered into the  
6 decisions that were made?

7 Mr. Richardson. No, certainly not as to that list. It  
8 is possible with respect to two or three names on the list  
9 as to which there is no obvious relationship to national  
10 Security Council staff or the distribution of national security  
11 council papers. In any event these are individuals, and I  
12 think this is clear from all the information available to  
13 us as to whom Dr. Kissinger was entirely unaware that there was  
14 any tap at all.

15 Senator McGee. Is there anyone on the list of 17,  
16 obviously other than the newspapermen, four newsmen, who did  
17 not have known access to the leaked material?

18 Mr. Richardson. Could you repeat that?

19 Senator McGee. Yes. Anyone on the list of 17 except  
20 for the four newsmen obviously who did not have access to the  
21 known leaked material?

22 Mr. Richardson. Yes, there were in two or three  
23 instances and these are the same individuals to whom I  
24 referred in response to your earlier question.

25 Senator McGee. Thank you, Mr. Chairman.

26 The Chairman. Did Secretary Laird request the tap on  
27 G?

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J. Edgar Hoover on June 8th. They do not include the name of \_\_\_\_\_ and they include a specific request by me to turn off all taps as quickly as possible and preferably within two weeks so my own records tend to show that I did not go to this meeting in order to extend the program but rather to reduce it. Now, what exactly went on during that conversation I do not today remember, and how this request is construed, that again, I do not remember.

Senator Case. Your summary shows the tap was in effect from June 4th to August 31, 1969.

Mr. Kissinger. I know nothing about its termination.

Senator Case. The next one was on July 22nd and that was

E.

The Chairman. Who is E?

Senator Case. E

Mr. Kissinger. I know nothing about him.

Senator Case. July 22nd, it said requested by the Attorney General. This is interesting, and that on behalf of the President.

Mr. Kissinger. All I think one would have to investigate, I can only surmise that his name may have shown up in other wiretaps and during the course of the investigation. I did not even know E. In fact, to this day I do not know

E.

Senator Case. So far as the summary goes, it is quite

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clear that your office was not involved in this.

Mr. Kissinger. I do not know that.

Senator Case. There is a special note that the information collected --

The Chairman. Could you identify him for the record, who was ~~E~~, what did he do? Who can?

Mr. Kissinger. I do not know.

Mr. Marcy. He was [a White House aide on the Domestic Council Staff].

Mr. Kissinger. I have never met ~~E~~.

Senator Case. You were not included in the inclusion of this thing?

Senator Symington. Just to be sure, who instructed that a tap be put on the [White House aide on the Domestic Council Staff]?

Senator Case. The Attorney General.

Senator Scott. I was just saying it would be better to put a tap on the counsel.

Senator Case. On September 10th of that year ~~M~~ was added, and this is stated to be based upon also on the oral request of Mr. Mitchell and it is noted also, at least it is mentioned, this is somewhat unusual the request included a request for physical surveillance as well as electronic surveillance.

Mr. Kissinger. I was not aware of that at the time. I have since read the report and you are familiar with what the report says

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\_\_\_\_\_ I had no independent  
knowledge of that.

Senator Case. This does not indicate that your office  
was involved in the request. It says on the oral request of  
Mitchell on behalf of the President. It does not say who made  
it.

Mr. Kissinger. I understand.

Senator Case. And you do not recall either the initiation  
or the termination of this? It ran from September 10, 1969 to  
December 4, 1969.

Mr. Kissinger. I never received any of those reports.

Senator Case. On December first there was one J.

The Chairman. Who?

Senator Case. J.

The Chairman. Who is he?

Senator Case. J. Who he is is not known  
to me. Do we have any knowledge?

The Chairman. Mr. Marcy, who was he?

Mr. Marcy. I have forgotten.

Mr. Dockery. I believe he is listed as a former member of  
the White House Domestic Council.

Senator Case. The information in the summary only  
states the tap was instituted from Mr. Haldeman, from December

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14, 1970 to January 27, 1971.

Mr. Kissinger. I never even knew J existed.

Senator Case. That office had nothing to do with that?

Mr. Kissinger. No, but one would have to go through the files and see if he appeared in the course of the investigation and I have been told that he did.

Senator Case. December 14th, when it was instituted?

Mr. Kissinger. In any event, my office had nothing to do with it.

Senator Case. And your connection with it had ceased before December 14, 1970?

Mr. Kissinger. My receiving reports?

Senator Case. And your initiation of taps, I take it.

Mr. Kissinger. Yes.

Senator Case. May 2, 1971 was H.

The Chairman. Who was he at the time, which H ?

Mr. Marcy. H , who was counsellor to the Department of Defense.

Mr. Kissinger. He was the focal point for NSC documents in the Department of State.

Senator Case. You do not recall, the statement here is that it was requested by General Haig in behalf of the President. That the tap ran from May 2, 1970 to February 10, 1971.

Mr. Kissinger. This was at the time of, during the Cambodian

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considered for leaks to newspapers no matter how severe. I cannot, secondly, cannot now conceive any security case and the only loophole I want to leave is one of the kind that Mr. Ruckelshaus gave you when you have clear overwhelming information of a potential major security risk. In that case it would have to be recommended by the security agencies, and I would hope to be able to justify it to the Chairman at an appropriate point but the idea that this would be an ongoing program is inconceivable, will not happen.

Senator Case. Thank you, Mr. Chairman.

The next individual I have here in the summary is  
F.

The Chairman. What was his position?

Mr. Kissinger. His position was, as I recall, was speech writer. Again, you know as much as I do, it having arisen from the report. My impression is that he appeared on one of these -- as a result of the investigation, he appeared on one of these wiretaps as having offered to a newsman some advance information on something, and if I remember the tap was authorized on the day on which I was even in Rumania, so there was no way I could have known it.

Senator Case. You were not personally requested of that tap?

Mr. Kissinger. No.

Senator Case. Or do you recall receiving information as

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10.2 HENRY KISSINGER TESTIMONY, SEPTEMBER 17, 1973, SFRC EXECUTIVE  
SESSION, 36-39, 44-45

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a result of the taps on F?

Mr. Kissinger. No, neither. And I was astonished when the  
New York Times called me about it.

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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

August 4, 1969

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: COLONEL ALEXANDER M. HAIG  
TECHNICAL SURVEILLANCE REQUEST


Previous memoranda have requested and you have approved telephone surveillances requested by Colonel Alexander M. Haig, who is assigned to the staff of Dr. Henry A. Kissinger of the White House.

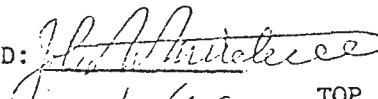
Colonel Haig has now presented an additional request advising that it is being made on the highest authority in connection with the same sensitive matter. He requested that a telephone surveillance be placed on **F** of the White House staff.

**F** resides at \_\_\_\_\_  
and has unlisted telephone number \_\_\_\_\_

Recently, **F** was in contact with **P** correspondent for the \_\_\_\_\_ on whom you previously authorized a telephone surveillance in this case. **F** agreed to advise **P** in advance of the contents of a speech to be made in the future by the President.

Respectfully,

  
John Edgar Hoover  
Director

APPROVED: 

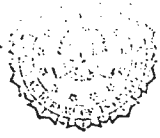
DATE: 8/4/69

TOP SECRET

GROUP 1 Excluded from automatic downgrading and declassification
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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

December 14, 1970

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: SPECIAL COVERAGE AT THE  
REQUEST OF THE WHITE HOUSE

The Honorable H. R. Haldeman, Assistant to the President, has requested that the Bureau institute a telephone surveillance on the home telephone of

This Bureau is in a position to conduct the necessary telephone surveillance requested by Mr. Haldeman.

Respectfully,

*J. Edgar Hoover*  
John Edgar Hoover  
Director

APPROVED

DATE

*John A. Mitchell*  
12/14/70

TOP SECRET

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1 - Mr. DeLoach  
1 - Mr. Sullivan

July 23, 1969

Mr. Bishop \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

MR. TOLSON:

JUNE

By reference from the Director's office, I talked to the Attorney General (AG) at 5:15 p. m. on July 22, 1969. The AG inquired as to whether I was familiar with "the wiretapping business at the White House." I answered in the affirmative. He then asked me if I had heard the name of ~~E~~. I told him I was not certain about this name; however, I thought he must be one of the individuals involved in this matter. The AG stated this was correct. He then added that the President was extremely exercised and very aggravated over this matter. He stated the President wanted "to set ~~E~~ up" and planned to send material from Guam this coming Thursday night which ~~E~~ would definitely see.

The AG indicated that the President had ordered him to tell the Director that he wanted a 24-hour surveillance and a tap placed on ~~E~~. He said that we should report to Ehrlichman's office the results of the surveillance and the tap. I asked him if he also wanted the results in this regard and he stated he would appreciate being kept advised.

The Director was advised of the above information at 5:30 p. m. on July 22, 1969. The Domestic Intelligence Division has been instructed to check on the name of ~~E~~ and to prepare a memorandum expeditiously for the Director concerning this individual. Instructions have also been issued to conduct the 24-hour surveillance requested as well as to make an immediate security check to determine the possibility of placing a wiretap on ~~E~~ home telephone. It being noted that it is completely impractical to try to place such a wiretap at the White House.

Although a summary memorandum is being prepared by the Domestic Intelligence Division concerning ~~E~~, as mentioned above, I have been advised by \_\_\_\_\_ Domestic Intelligence Division, that files reflect we investigated ~~E~~ at the request of the White House in January, 1969, and that ~~E~~ was apparently at that time in Ehrlichman's

CDD:hcs  
(3)

NOT RECORDED

JUN 8 1973

CONTINUED .... OVER

JUN 11 1973

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

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INFORMAL TO MR. TOLSON

office. This is believed to be true inasmuch as "Time" magazine had an article reflecting that ~~■~~, one of the assistants to the Legal Counsel, had originally thought he was going to be close to the President; however, found that he was overshadowed by Ehrlichman and Haldeman.

~~■~~ later lost his title to \_\_\_\_\_ who was formerly \_\_\_\_\_  
\_\_\_\_\_ A more detailed memorandum  
will follow.

RESPECTFULLY,

✓

  
C. D. DeLoach

## Memorandum

DO NOT FILE

TO : Mr. C. D. DeLoach

DATE: July 23, 1969

FROM : W. C. Sullivan

SUBJECT: E  
TECHNICAL SURVEILLANCE REQUESTJUNE

On July 22, 1969, the Attorney General advised you that the President desired a telephone surveillance on F, a member of the President's staff. He also requested a physical surveillance on F.

The Washington Field Office is presently conducting a survey to determine the feasibility of instituting a telephone surveillance on E who resides

There is attached a memorandum to the Attorney General advising that the telephone surveillance will be installed upon his approval. If approved, the memorandum will not be filed, but will be maintained in a secure off-the-record capacity as basis for authority.

RECOMMENDATIONS:

1. That the attached memorandum containing only the original be handled with the Attorney General.

~~2. That this memorandum be returned to W. C. Sullivan to be retained in a secure off-the-record capacity.~~

Enclosure  
WCS:jcs

ENCLOSURE

DO NOT FILE

JUN 11 1973

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Miss Gandy	

65-75000-271  
NOT RECORDED

JUN 8 1973

DD-6

OFFICE OF DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

July 23, 1969

The Attorney General approved the attached tech request with the notation: "Higher Authority has requested that this be done immediately for use prior to Thursday."

Mr. DeLoach has been advised of the Attorney General's notation.

RM

MR. TOLSON \_\_\_\_\_  
MR. DELOACH \_\_\_\_\_  
MR. MOHR \_\_\_\_\_  
MR. BISHOP \_\_\_\_\_  
MR. CASPER \_\_\_\_\_  
MR. CALLAHAN \_\_\_\_\_  
MR. CONRAD \_\_\_\_\_  
MR. FELT \_\_\_\_\_  
MR. GALE \_\_\_\_\_  
MR. ROSEN \_\_\_\_\_  
MR. SULLIVAN \_\_\_\_\_  
MR. TAVEL \_\_\_\_\_  
MR. TROTTER \_\_\_\_\_  
MR. JONES \_\_\_\_\_  
TELE. ROOM \_\_\_\_\_  
MISS HOLMES \_\_\_\_\_  
MRS. METCALF \_\_\_\_\_  
MISS GANDY \_\_\_\_\_

ENCLOSURE

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THE DIRECTOR



TOP SECRET

## UNITED STATES DEPARTMENT OF JUSTICE

## FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

July 23, 1969

## MEMORANDUM FOR THE ATTORNEY GENERAL

RE: Mr. E  
TECHNICAL SURVEILLANCE REQUEST

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

This will confirm your conversation with Assistant to the Director Cartha D. DeLoach on July 22, 1969, during which you advised that a telephone surveillance was desired on E who resides in \_\_\_\_\_

A survey is being conducted to determine the feasibility of instituting a telephone surveillance on E. If you approve, a telephone surveillance will be placed by this Bureau on him.

Respectfully,

*J. Edgar Hoover*  
John Edgar Hoover  
Director

APPROVED *John Trotter*DATE 7/23/69

*Higher Authority has requested that this be done immediately for use prior to Thursday.*

TOP SECRET

GROUP 1

Excluded from automatic  
downgrading and  
declassification

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

UNITED STATES GOVERNMENT

## Memorandum

TO : MR. TOLSON

FROM : W. C. SULLIVAN

DATE: December 16, 1970

DO NOT FILE

SUBJECT: SPECIAL COVERAGE AT THE  
REQUEST OF THE WHITE HOUSE

JUNE

Mr. Tolson \_\_\_\_\_  
Mr. Bishop \_\_\_\_\_  
Mr. Brennan, C.D. \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Walters \_\_\_\_\_  
Mr. Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

Today Supervisor \_\_\_\_\_ delivered the second letter concerning special coverage of \_\_\_\_\_ which shows no pertinent activity has occurred. Mr. Lawrence Higby, Assistant to the Honorable H. R. Haldeman, advised that they desired letters only when pertinent activity occurred and it would not be necessary to send a letter advising that there was no such activity for a particular day.

Regarding coverage on weekends, it was agreed that if there was pertinent activity Haynes would contact Higby through the White House switchboard and make arrangements for delivery.

Mr. Higby said that Mr. Haldeman had asked that his thanks be expressed to the Director for the very prompt handling of this matter and it was "most impressive."

ACTION:

If approved, letters will not be sent concerning \_\_\_\_\_ when no activity has occurred for a particular day.

WCS:chs  
(ORIGINAL ONLY)

65-75025-299  
NOT RECORDED

JUN 8 1973

JUN 11 1973

SENT DIRECTOR

12-16-70

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

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House Judiciary Committee staff

FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 12, 1973

Harry R. Haldeman, residence 3402 R Street, Northwest, Washington, D. C., was interviewed by Inspector 14 and Special Agent 15 in the presence of his attorney, Mr. J. J. Wilson, at Mr. Wilson's office, 815 15th Street, Northwest, Washington, D. C.

Mr. Haldeman was advised at the onset of the interview that he was being contacted concerning any information he may possess concerning wiretap information which he received by courier from the FBI during the period 1969 to 1971. The purpose of these wiretaps would have been to determine any leaks by White House staff members or their employees concerning the Strategic Arms Limitation Talks.

Mr. Haldeman advised that he recalled receiving summary letters concerning these wiretaps and that he received them routinely from the FBI. He said he could not recall who the courier was because the summary letters would actually go to his administrative assistant, Mr. Lawrence M. Higby. He said at first he read all the summaries which came into his office but found them to contain information which really was not of much interest to him. The contents of the letters did not contain any startling information and he eventually delegated the authority to read this material to Mr. Higby, who would review the summary letters and bring to his, Mr. Haldeman's, attention only those matters which Mr. Higby thought would be of interest.

Mr. Haldeman said that as he recalled the summary letters which he had were addressed to him, but he knew that the wiretap program had been going on for some time and originally the letters went to Dr. Henry Kissinger.

Mr. Haldeman said that sometime in the Summer of 1971, the exact date he could not recall, he received a request to gather this material he had under his control so the material could be returned to the FBI. He was specifically asked who made such a request. He said that he simply could not now remember who made that request. He said

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House Judiciary Committee staff

that he knew the letters were assembled and sent to the Federal Bureau of Investigation. He said he could not recall making any inventory of the correspondence prior to its being returned to the Federal Bureau of Investigation. He said he is positive he made no inventory; however, this is not to preclude the possibility that Mr. Higby may have done so, although he doubts it. He was specifically asked whether or not he, acting for the President of the United States, authorized any of these wiretaps. He said definitely not. He said that Dr. Henry Kissinger may have made this request but this is speculation on his part.

He was asked specifically whether or not he had any knowledge of Mr. Robert Mardian returning this material to the White House at a later date. He said he had no direct knowledge but that he had heard from Mr. John Ehrlichman that the material had been returned. He was asked specifically if he at any time engaged in checking White House summary letters against FBI copies of these letters with Mr. Mardian. He said as best he could recall the answer would be "No," he could not recall such an instance. He said that if any checking had been done it may have been done by his administrative assistant, Mr. Higby.

Mr. Haldeman was specifically asked if he ever saw the White House summary letters again after they had been sent back to the FBI. He replied "No."

Mr. Haldeman was asked if he had any reason to believe the material had been destroyed to which he replied "No." Although he had no direct knowledge, from the information he learned from Mr. Ehrlichman, they were still at the White House.

Mr. Haldeman was asked if he recalls any mention of Daniel Ellsberg in the summary reports he reviewed at the White House. Mr. Haldeman replied "No."

- 2 -

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House Judiciary Committee staff

FBI WASHINGTON, D.C.

Date of transcription May 12, 1973

Harry R. Haldeman, residence 3482 R Street, Northwest, Washington, D. C., was interviewed by Inspector <sup>14</sup> and Special Agent <sup>15</sup> in the presence of his attorney, Mr. J. J. Wilson, at Mr. Wilson's office, 815 15th Street, Northwest, Washington, D. C.

Mr. Haldeman was advised at the onset of the interview that he was being contacted concerning any information he may possess concerning wiretap information which he received by courier from the FBI during the period 1969 to 1971. The purpose of these wiretaps would have been to determine any leaks by White House staff members or their employees concerning the Strategic Arms Limitation Talks.

Mr. Haldeman advised that he recalled receiving summary letters concerning these wiretaps and that he received them routinely from the FBI. He said he could not recall who the courier was because the summary letters would actually go to his administrative assistant, Mr. Lawrence M. Higby. He said at first he read all the summaries which came into his office but found them to contain information which really was not of much interest to him. The contents of the letters did not contain any startling information and he eventually delegated the authority to read this material to Mr. Higby, who would review the summary letters and bring to his, Mr. Haldeman's, attention only those matters which Mr. Higby thought would be of interest.

Mr. Haldeman said that as he recalled the summary letters which he had were addressed to him, but he knew that the wiretap program had been going on for some time and originally the letters went to Dr. Henry Kissinger.

Mr. Haldeman said that sometime in the Summer of 1971, the exact date he could not recall, he received a request to gather this material he had under his control so the material could be returned to the FBI. He was specifically asked who made such a request. He said that he simply could not now remember who made that request. He said

Interviewed on May 11, 1973 at Washington, D. C. File # \_\_\_\_\_

by Inspector <sup>14</sup> and \_\_\_\_\_ Date dictated May 12, 1973  
Special Agent <sup>15</sup>

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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that he knew the letters were assembled and sent to the Federal Bureau of Investigation. He said he could not recall making any inventory of the correspondence prior to its being returned to the Federal Bureau of Investigation. He said he is positive he made no inventory; however, this is not to preclude the possibility that Mr. Higby may have done so, although he doubts it. He was specifically asked whether or not he, acting for the President of the United States, authorized any of these wiretaps. He said definitely not. He said that Dr. Henry Kissinger may have made this request but this is speculation on his part.

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Mr. Haldeman was specifically asked if he ever saw the White House summary letters again after they had been sent back to the FBI. He replied "No."

Mr. Haldeman was asked if he had any reason to believe the material had been destroyed to which he replied "No." Although he had no direct knowledge, from the information he learned from Mr. Ehrlichman, they were still at the White House.

Mr. Haldeman was asked if he recalls any mention of Daniel Ellsberg in the summary reports he reviewed at the White House. Mr. Haldeman replied "No."

11. None of the three White House staff members were ever reported by the FBI to have disclosed classified material. The material compiled on these staff members as a result of the wiretaps related primarily to their personal lives and their politics.

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11.1 Summaries of FBI letters reporting the surveillance of three White House staff members, prepared by House Judiciary Committee staff .....	280
11.2 William Ruckelshaus and Elliot Richardson testimony, Senate Foreign Relations Committee Executive Session, September 10, 1973, 39-40.....	283
11.3 William Ruckelshaus news conference, May 14, 1973, reprinted in Senate Foreign Relations Committee Executive Session, September 10, 1973, 272-73 (made public October 4, 1973).....	285
11.4 Memorandum from T. J. Smith to E. S. Miller, May 13, 1973, 1, 7 (received from Department of Justice) .....	287

11.1 SUMMARIES OF FBI LETTERS REPORTING ON SURVEILLANCE OF THREE  
WHITE HOUSE STAFF MEMBERS

MR. E.

Reports prepared from physical and electronic surveillance of Mr. E., a White House aide with no national security functions, were sent to John Ehrlichman on July 25, 28 (two), 29 and 31 (two), August 1, 6, 7, 8, 14, and 25, and September 18, and 22, 1969, and to Attorney General John Mitchell on September 8, and 15, 1969. The summaries reported only details of the personal and social activities of Mr. E., and Mr. E.'s contacts and attempted contacts with political officials and journalists.

On September 8, 1969, FBI Director Hoover wrote that since August 8, 1969, only two communications had been sent to the White House on E. "These, however, did not bear directly on the basic purpose of the surveillance, i.e., to determine whether [Mr. E.] was passing confidential White House information to a representative of the press." On September 15, 1969, Hoover told Mitchell that the surveillance of Mr. E. required 10 men per day and "consideration should be given to the discontinuation of these surveillances at this time."

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.



11.1 SUMMARIES OF FBI LETTERS REPORTING ON SURVEILLANCE OF THREE  
WHITE HOUSE STAFF MEMBERS

---

MR. F.

Reports were sent to the President on November 6, 1969, to Henry Kissinger on January 15, 1970 and to H.R. Haldeman on May 21 and June 23, 1970, with respect to the electronic surveillance of Mr. F., a White House aide. In addition, information on Mr. F. was acquired from the electronic surveillance of a newsman who communicated with Mr. F. Mr. F. was reported only to have discussed various domestic speeches or papers dealing with economics, the State of the Union and the political philosophy of the Administration.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

11.1 SUMMARIES OF FBI LETTERS REPORTING ON SURVEILLANCE OF THREE  
WHITE HOUSE STAFF MEMBERS

---

MR. J.

Reports were sent to H.R. Haldeman on December 15, 16, 17, and 18, 1970 and January 5, 12, 18, and 22, 1971, with respect to the electronic surveillance of the residence of Mr. J., a White House employee with no national security responsibilities. The summaries on Mr. J. dealt only with his personal plans and domestic political assignments and interests. Several of the summaries report Mr. J.'s dissatisfaction with his job and his prospects for other political employment. Other summaries reported on the substance of some of Mr. J.'s assignments at the White House in domestic areas.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

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Senator Symington. Well, you see, Senator Javits' question is extremely pertinent because we would like to know why first the tap was put on and secondly, why it was taken off so quick, I mean if we are going to get the facts.

You say he went on the White House --

Mr. Richardson. The reason it was put on was simply that papers flowed through his hands. It was not a question of the existence of any suspicion.

Senator Symington. Well, things happened, he resigned, he retired. He was not discharged.

Mr. Richardson. That is true.

Senator Symington. And I would like to leave it right there.

Now, you say that you returned the record from Mr. Ehrlichman and Mr. Ehrlichman, how do you know he has not got these tapes, these tapes. It is very easy to copy a tape.

Mr. Ruckelshaus. Well, the records are fairly voluminous, Senator, and what I think Mr. Ehrlichman did simply -- Mr. Ehrlichman simply held the taps as custodian from the White House after they were transferred from the FBI to the White House.

Senator Symington. My next to the last question would be have you taken any action against anybody as a result of information that you received on these tapes?

Mr. Ruckelshaus. The FBI has taken no action at all.

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Senator Symington. No, I meant -- we talk about raw files, and again, if I may quote my colleague from New York, they may be raw to us but they are not raw to you, and you know the facts, and we don't. My question would be based on the information that was in the tapes has any action been taken with respect to anybody who was tapped?

Mr. Ruckelshaus. I think Dr. Kissinger would be the best witness to that, Senator, because the purpose of the taps themselves was to discover whether any of these individuals was the source of leaks and there could be no way you could tell from that information just exactly how it could be put together with other information that could lead to that conclusion.

Mr. Richardson. The other corollary of what Mr. Ruckelshaus has said is there is nothing in the report we have been discussing in itself establishes that either an individual was the source of leaked information or that any action was taken with regard to him as a consequence of the taps.

Senator Symington. Would you file for the record, Mr. Attorney General, those people in the government who have seen the raw files in this particular case and also file for the record the names of anybody outside the government who has a copy of the FBI report?

Mr. Richardson. I certainly can't do the latter because

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House Judiciary Committee staff

WILLIAM D. RUCKELSHAUS, ACTING DIRECTOR, FBI, PRESS CONFERENCE, MAY 14,  
1973, 2:00 P.M.

MR. CONMY. Good afternoon. This is an on the record news conference with William D. Ruckelshaus, Acting Director of the FBI. Mr. Ruckelshaus has a brief statement, after which he'll be pleased to respond to any questions. There are hand microphones on the sides of the room may I suggest it will be easier for all of us to hear if you use those when you do ask your questions. There is a background paper on wiretapping that's available to you. You may use it as you see fit. There is also a text of Mr. Ruckelshaus' statement and a full transcript of the entire news conference will be available, hopefully, later today.

MR. RUCKELSHAUS. Gentlemen, I'd like to read this statement, in its entirety so that we have this problem in context before your questions.

Shortly after assuming this job, my attention was drawn to several newspaper and periodical accounts of electronic surveillances, better known as wiretaps, having been placed on telephones of government employees and newsmen in an effort to stem the leaks of information related to highly sensitive foreign policy issues. Upon inquiry, I was informed by FBI employees that these surveillances had been performed and that the records relating to them were missing from the FBI files. Also the question had been raised in the Ellsberg trial whether information from these alleged taps had been used by the prosecution in any way and thus tainted the evidence.

As a result of this information, I immediately ordered an investigation into the facts surrounding the taps and the missing records. The investigation was started Friday, May 4, 1973, and was conducted under my personal supervision by highly skilled FBI personnel at Headquarters. Forty-two separate interviews were conducted, all by Headquarters personnel, and included travel to Phoenix, Arizona; Tampa, Florida; Savannah, Georgia; New York City; and Stamford, Connecticut.

The investigation revealed that from May, 1969, to February, 1971, based on consultations between the Director of the FBI and the White House, certain wiretaps were instituted in an effort to pinpoint responsibility for leaks of highly sensitive and classified information which, in the opinion of those charged with conducting our foreign policy, were compromising the Nation's effectiveness in negotiations and other dealings with foreign powers.

There was a total of 17 wiretaps placed for this purpose. Four were placed on newsmen as the potential recipients of leaks and thirteen on government employees as the potential sources. The taps were on for varying lengths of time during the period in question; two for as little as 30 days and one for as long as 21 months.

These requests were handled in the same way as other requests involving national security for a number of years and in prior Administrations. When a government agency or the White House requests surveillance the request is studied by the senior officials of the FBI, and if the Director approves, authority is then requested from the Attorney General. If he approves, as was done in this case, the surveillance commences, summaries are prepared from the logs, which are transmitted to the interested agency, or as in this case, the White House.

Because of the sensitivity of these particular surveillances, the records were very closely held; first in the Director's Office and then on the Director's orders under the custody of Mr. W. C. Sullivan who was an Assistant to the Director.

The investigation indicates that sometime in the summer of 1971, after the taps were all taken off, Mr. Sullivan contacted Mr. Robert Mardian, who was then Assistant Attorney General in charge of the Internal Security Division, and informed him of the nature of these records and recommended that they be transferred to The White House. According to Mr. Mardian, the recommendation was made on the claim by Mr. Sullivan that Mr. Hoover might use the records in some manner against the Attorney General or the President. Mr. Sullivan does not affirm Mr. Mardian's claim. There is certainly no proof that Mr. Hoover had such intention but the charge had its desired effect. According to Mr. Mardian, he informed Mr. Mitchell, who in turn informed The White House. The records were taken from the files by Mr. Sullivan, who ordered them given to Mr. Mardian, who delivered them to The White House.

When the FBI discovered the records were missing upon Mr. Sullivan's retirement in the fall of 1971, it commenced an inquiry which ended when Mr. Hoover was informed by Mr. Mitchell that the records had been destroyed. It should be noted that Mr. Mitchell has denied making such a statement to Mr. Hoover. This conflict cannot be resolved because of Mr. Hoover's death. Mr. Mitchell, however, confirmed that the records were moved to The White House.

In any event, the FBI accepted the premise that the records had been destroyed, and when I assumed my present position, I had no reason to believe that the records were still intact. It was not until last Thursday night that our investigation revealed, during an interview with Mr. Mardian in Phoenix, that the records probably still existed and might be in The White House.

The next day the records were located in The White House, having been filed in a safe in Mr. Ehrlichman's outer office.

Unfortunately, the records were not located in time to respond to Judge Byrne's inquiries about the potential taint of evidence in the Ellsberg trial. The interception of Ellsberg's conversations all occurred when he was either a guest of Morton Halperin, National Security Council, or conversing with him. It was one of those conversations of Mr. Ellsberg which I had informed the Judge on Wednesday, May 9, 1973, had been remembered by one of our employees who had monitored the tape. Of course, whether the location of the records would have had any effect on the Judge's decision is not for me to say.

On Saturday an FBI Agent and I went to The White House, identified and retrieved the records and they now rest in the FBI files.

The investigation was conducted with skill, speed and effectiveness by the FBI and resulted in the full retrieval of the records. I believe it is in the public interest to reveal these facts so that this story can be put in proper perspective.

Now I have two more points that I want to make, gentlemen. One is that I recognize how very emotional the question of wiretaps is in our society, and I asked at the time this investigation started that a history of the use of electronic surveillances or wiretaps in the FBI or by the FBI be prepared. The handout that you now have or is available is the result of that inquiry. I felt that the history was informative and good enough that it warranted being handed out at this press conference so that again these taps can be placed in that historical perspective. Secondly, since I am sure it will be one of the first questions, I want to touch on the reasons why I have not revealed the names of the 17 people who were placed under electronic surveillance during the course of this effort to stem the leaks. At first I felt it was probably a good thing to reveal these names in the interest of openness and letting the public know precisely what happened. And upon reflection I concluded that the potential harm to be done by the release of these names outweighed the good that could result in the openness of revealing them. The potential harm is clear to the employees of the Government in that their positions in the Government since they were at least once under suspicion and most, if not all of them, have since been exonerated, might be jeopardized. It's less clear as to the newsmen as to why the names would not be released, but again, upon reflection and a certain degree of agonizing I concluded that the potential was still there for some harm to be done by revealing their names to the public. And I was finally persuaded by the realization that if I made a mistake in releasing the names there was nothing I could do about it, but if I make a mistake in not releasing them I can always rectify that mistake by doing so later. So in response to any of your questions as to what these names are, or who is involved, my answer will be the same and that is that I will neither confirm nor deny that any of the names that you request are the subjects of this surveillance. I'll now attempt to answer your questions.

#### LEAKS RESULTING IN SUBMISSION OF PARTICULAR NAME

The CHAIRMAN. Could you indicate what leaks, for example, occurred that resulted in the submission of a particular name? Does this occur in the summary?

Mr. RICHARDSON. No, it does not. The summary only contains the sort of general background that was described by Mr. Ruckelshaus in his May 14 statement and later by the President in his May 22 statement.

#### ATTORNEY GENERAL'S REQUESTS FOR TAPS

The CHAIRMAN. Does the summary indicate whether or not the Attorney General requested any names to be tapped?

Mr. RICHARDSON. There are two instances—I want Bill to hear this—the chairman's question was does the summary indicate any



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In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage, nor was there any specific instance of information being leaked in a surreptitious manner to unauthorized.

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In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage. nor was it found that any instance of information being leaked in a derogatory manner to unauthorized.

- 7 -



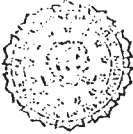
12. Three government employees were tapped in connection with the May 1970 leak of the Cambodian bombing. Two held posts in the State Department at the Ambassadorial level; the third was a high military aide to the Secretary of Defense. All three were tapped at the order of Colonel Haig, who represented that the order for these wiretaps came from the President.

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OFFICE OF THE DIRECTOR

TOP SECRET



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 12, 1969

## MEMORANDUM FOR THE ATTORNEY GENERAL

RE: COLONEL ALEXANDER M. HAIG  
TECHNICAL SURVEILLANCE REQUEST

On May 10, 1969, Colonel Alexander M. Haig, who is assigned to Dr. Henry A. Kissinger's staff, came to this Bureau to advise that a request was being made on the highest authority which involves a matter of most grave and serious consequence to our national security. He stressed that it is so sensitive it demands handling on a need-to-know basis, with no record maintained. He requested that telephone surveillance be placed on the following individuals to determine if a serious security problem exists:

and **O** ; **N** ; **G** ;

**O** is aged \_\_\_\_\_ and is Department of State employee who has been on detail to the National Security Council since \_\_\_\_\_. He was assigned to the Paris peace conference between \_\_\_\_\_ and \_\_\_\_\_. Applicant-type investigation by this Bureau indicated, while in Paris, he reportedly leaked information to newspaper concerning happenings at the peace conference. This apparently was at the beginning of his assignment, and after being warned he discontinued his reported leaks.

**N**, aged \_\_\_\_\_, was detailed from the Department of Defense to the National Security Council as a senior staff member on \_\_\_\_\_, \_\_\_\_\_. He was the subject of an applicant-type investigation by this Bureau. While admittedly he has had contact with Soviet nationals the investigation did not disclose at that time any pertinent derogatory information.

The files of this Bureau contain no identifiable information concerning **G**.

**B**, \_\_\_\_\_, was detailed to the National Security Council on \_\_\_\_\_, \_\_\_\_\_, from the Department of State, where he had been employed in various administrative capacities since \_\_\_\_\_. An applicant-type investigation disclosed that during mid 1950's and early 1960's he was suspected of

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TOP SECRET


Memorandum for the Attorney General  
RE: COLONEL ALEXANDER M. HAIG

leaking classified information to unauthorized sources. Thorough investigations were conducted by Department of State; however, no information was developed indicating he was responsible for leaks.

Colonel Haig is Military Assistant to the Assistant to the President for national security affairs. He was the subject of an applicant-type investigation and no derogatory information was developed concerning him.

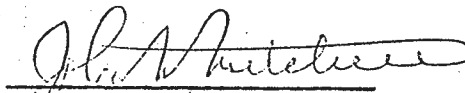
This Bureau is in a position to conduct the necessary telephone surveillances requested by Colonel Haig.

Respectfully,

  
John Edgar Hoover  
Director

APPROVED

DATE

  
5/12/69

- 2 -

UNITED STATES GOVERNMENT

Memorandum ROUTE IN ENVELOPE

TO : MR. DE LOACH

DATE: 5/3/70

FROM : MR. W. C. SULLIVAN

DO NOT FILESUBJECT: BRIGADIER GENERAL ALEXANDER M. HAIG  
REQUEST FOR TECHNICAL SURVEILLANCE

Tolson	
DeLoach	
Mohr	
Bishop	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Sullivan	✓
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

At 8:30 p.m., 5/2/70, General Haig, in Dr. Henry A. Kissinger's office, contacted Liaison Supervisor \_\_\_\_\_ and advised that the President had called him concerning a serious security violation involving a leak by \_\_\_\_\_ of \_\_\_\_\_ concerning the Cambodian situation." According to Haig, this leak has been "nailed down to a couple of people," and he requested on behalf of the President that telephone surveillances be placed as soon as possible on \_\_\_\_\_

and \_\_\_\_\_ Haig stated he would like these surveillances on the individuals' homes and offices; that he fully realizes the difficulty in covering office phones in State, Defense, and \_\_\_\_\_ and knows that this might not be feasible.

General Haig was advised that we would check with the Attorney General for clearance. He stated he understood that this was necessary and that he would contact the Attorney General and advise them of the situation.

ACTION:

Attached are four separate memoranda for the Attorney General requesting authority to institute telephone surveillances on each of the above persons.

RRH:hke  
ORIGINAL ONLY

Enclosures

5-4-72

\* Attached is article appearing in \_\_\_\_\_ today in which \_\_\_\_\_ quotes "well-placed Administration sources" concerning U.S. bombing of North Vietnam.

5/4/70  
Supv. Contention, WFO  
was declined this was  
supplied - 1130  
JUN 11 1973

NOT RECORDED

JUN 8 1973

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIREAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.



TOP SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 4, 1970

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: *H.*  
COUNSELOR OF THE DEPARTMENT OF STATE  
TECHNICAL SURVEILLANCE REQUEST

On the evening of May 2, 1970, Brigadier General Alexander M. Haig, of the National Security Council Staff, advised that a serious security leak had occurred concerning United States involvement in Cambodia. He requested that as soon as possible a telephone surveillance be instituted, if feasible, on the residence and office of *A.*

A survey is being conducted to determine if it is feasible to install a telephone surveillance on him. If it is determined to be feasible and you approve, this installation will be placed by this Bureau.

Respectfully,

*J. Edgar Hoover*  
John Edgar Hoover  
Director

Approved: *John A. Mitchell*

Date: *5/4/70*

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NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535

May 4, 1970


MEMORANDUM FOR THE ATTORNEY GENERAL

RE: <sup>G</sup>  
MILITARY ASSISTANT TO THE  
SECRETARY OF DEFENSE  
TECHNICAL SURVEILLANCE REQUEST

On the evening of May 2, 1970, Brigadier General Alexander M. Haig, of the National Security Council Staff, advised that a serious security leak had occurred concerning United States involvement in Cambodia. He requested that as soon as possible a telephone surveillance be instituted, if feasible, on the residence and office of <sup>G</sup>

A survey is being conducted to determine if it is feasible to install a telephone surveillance on him. If it is determined to be feasible and you approve, this installation will be placed by this Bureau.

Respectfully,

  
John Edgar Hoover  
Director

Approved: 

Date: 5/4/70

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NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.





12.3 J. EDGAR HOOVER MEMORANDA, MAY 4, 1970  
UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 4, 1970

MEMORANDUM FOR THE ATTORNEY GENERAL

RE:

A.

DEPARTMENT OF STATE  
TECHNICAL SURVEILLANCE REQUEST

On the evening of May 2, 1970, Brigadier General Alexander M. Haig, of the National Security Council Staff, advised that a serious security leak had occurred concerning United States involvement in Cambodia. He requested that as soon as possible a telephone surveillance be instituted, if feasible, on the residence and office of

A.

A survey is being conducted to determine if it is feasible to install a telephone surveillance on him. If it is determined to be feasible and you approve, this installation will be placed by this Bureau.

Respectfully,

*J. Edgar Hoover*  
John Edgar Hoover  
Director

Approved:

*John A. Wick*

Date:

5/4/70

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NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

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MR. LAIRD: Well, as far as the Italian Company is concerned in the service of the Sixth Fleet, I would rather not get into that particular subject because I will not make a categorical statement that there was no oil from the Italian companies that flowed to the Sixth Fleet, and I don't want to get into that. I don't want to get into the question of leakage of the embargo and there is no sense -- the more leakage we have the better off we are, but why talk about it?

But there was some leakage.

Q Aren't you pretty indignant about the Arabs giving this kind of orders?

MR. LAIRD: I am certainly very much against the embargo.

(Laughter)

But I don't think the embargo by itself is as important in the long-term as the question of price.

[Q Mr. Laird, do you think that your telephone was wiretapped, and if so, what is your reaction to that?

MR. LAIRD: Well, I know my telephone was not tapped, at least the National Security Agency reported to me, and I had them check my phones regularly and if those reports were not correct, then they have got pretty bad equipment. I think that the confusion that you speak of comes from a wiretap that was announced on my military assistant and there are some conversations -- because I would talk to him probably several times at night -- there perhaps are some conversations that came through that tap to which some people looking at various material may be misled that there was a tap on my phone.

Q Why was that put on, and who did that?

MR. LAIRD: I don't know. I was very  
since

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disappointed by it.

Q Who did it?

MR. LAIRD: The FBI.

Q Why? And what is his name?

MR. LAIRD: He is one of the most brilliant officers. I think he is probably the most brilliant military officer that I have ever come into contact with,,and I have come in contact with many of them.

Q Let's have his name for the record.

MR. LAIRD: It is General Robert Pursley who served as my military assistant. He was a very fine military officer, and I have complete and total confidence in him, and I was disappointed, but I am not going to get into it.

Q Who ordered it?

MR. LAIRD: The FBI.

Q Somebody ordered the FBI, didn't they? Dr. Kissinger?

MR. LAIRD: No, Dr. Kissinger has assured me that he did not order it. He gave them a list of people that had information about the time of the Cambodian bombing story appeared by Bill Beacher. Now this is when this sort of took place. I would only say that I had felt that the Cambodian bombing story would sooner or later surface anyway. As a matter of fact, in 1967 and 1968 I advocated hitting the sanctuaries when I was a member of the Defense Appropriations Committee. They were flying the flag of the North Vietnamese. They were occupied territories of the North Vietnamese. They were being used to kill Americans. And I advocated, when I became Secretary of Defense, hitting those sanctuaries. It was not for military reasons that those strikes were kept secret. It was for diplomatic reasons. And the

- 17 -

Defense Department, and I as Secretary of Defense, felt that we could support the bombing in the sanctuary areas and get great support in the Congress for it at the time, and I had no problem with that at all. Now the fact that the story came out, written by Bill Beacher, just as a matter -- I noticed Arthur Schlesinger in his book said that I somehow or other had not told the truth about this because of some State Department statement that was made that the State Department had no record that there was a diplomatic reason for not talking about this. Well, I called Secretary Rogers the day after the State Department briefer -- and that was this last year -- made that statement, and you will note that the State Department briefer changed his position the next morning, because the diplomatic reasons for handling the bombings in the sanctuaries the way it was handled came from the advice which the President received from his National Security Adviser and from the Secretary of State. There was no military reason.

Now the Beacher story was written on the basis of a story that appeared in the London Times some 48 hours before he wrote. A correspondent had flown over the border and he saw certain craters in Cambodia and the London Times came out with this particular story. Bill Beacher, being an enterprising young reporter, went out and started checking this out and he couldn't get denials because I wouldn't deny it.

Q The American people now have an image of the Pentagon spying on the White House, and the White House spying on the Pentagon. Now this was during your era and hayday during the Pentagon. What do you think led to all of this? Was there a breakdown in communication, and was this a serious flaw?

MR. LAIRD: No, I don't think there was a breakdown in communications. Certainly as far as I

13. None of the three government employees tapped in connection with the Cambodian bombing story was ever reported by the FBI to have disclosed classified material.

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13.3 William Ruckelshaus and Elliot Richardson testimony, Senate Foreign Relations Committee Executive Session, September 10, 1973, 39-40 .....	306
13.4 William Ruckelshaus news conference, May 14, 1973, reprinted in Senate Foreign Relations Committee Executive Session, September 10, 1973, 272-73 (made public October 4, 1973) .....	308
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13.1 SUMMARIES OF FBI LETTERS REPORTING ON SURVEILLANCE  
OF THREE GOVERNMENT EMPLOYEES

MR. A.

Reports were sent to the President on May 11, 1970, and to H.R. Haldeman on May 18, 1970, with respect to surveillance of Mr. A. a State Department employee on the ambassadorial level. One of the summaries reported a contact with a former official in a prior administration inquiring as to Mr. A's position on the Cambodia situation and advising Mr. A. of a meeting of individuals opposing the present Administration's policy. The summary sent to Haldeman apparently reflected physical surveillance of this meeting discussed in the previous report and identified a number of those in attendance.

Following a conversation between Haldeman and J. Edgar Hoover, a second report to Haldeman on May 18, 1970, provided more information about the presence of one of the participants at the meeting.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

13.1 SUMMARIES OF FBI LETTERS REPORTING ON SURVEILLANCE  
OF THREE GOVERNMENT EMPLOYEES

---

MR. G.

Summaries of electronic surveillance on Mr. G., a Defense Department employee were sent on May 18, June 25, August 13, September 22, October 23 and October 29, 1970. Summaries reported Mr. G.'s dissatisfaction with his job and its emotional effect upon him. There were reports of Mr. G.'s contacts with political figures in prior administrations about the general conduct of the Vietnam war.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

*13.1 SUMMARIES OF FBI LETTERS REPORTING ON SURVEILLANCE  
OF THREE GOVERNMENT EMPLOYEES*

---

MR. H.

None of the summaries furnished to the House Judiciary Committee contained references to information obtained by the electronic surveillance of Mr. H., a State Department employee on the ambassadorial level.



Mr. KISSINGER. [Deleted.] The origin of this particular program was a meeting in the President's office which I have described to you, and in which the President ordered the use of wiretaps, and in which my contribution was to describe leaks that had occurred. I would sum up the problem at the time as follows—and I had asked myself this question very much: Did I have any reason to suppose that the Government was doing anything wrong? And second, was I, in executing orders that I thought were legal, doing anything that was wrong or illegal?

I can say that the idea that this was not common practice or that this was in any sense illegal, simply never crossed my mind. I believed, when the Director of the FBI said this had been common practice in every previous administration, that it was a distasteful program that was being reinstituted in this administration. I do not from my own knowledge know that this program was carried out in previous administrations.

I have been told since, again by many people who should know, that it was carried out in previous administrations.

As to my own role, I think, what you have seen will support that I confined my participation scrupulously to individuals who had had access to the information, and that nobody was penalized as a result of this. On the contrary, many of the people who were part of the program became my closest associates, and others who had been part of this program had been kept on my staff against very strong opposition from many quarters. [Deleted.]

And after this one program I did not participate in any other internal security program of the administration so none of these memorandums to which Senator Symington referred to this morning, the Huston program, the Plumber program, or whatever else was done, or the approach to Mr. Helms in the Watergate episode, was conducted with any knowledge of my office or of me personally. I think this is what the committee should keep in mind when it assesses the degree of my own propensity to use such tactics.

Senator MUSKIE. When the experience of previous administrations was described, was it described as being used to uncover leaks?

Mr. KISSINGER. It was described as having been used to uncover leaks and to protect national security information. But I might have been remiss in not inquiring further into it.

Senator MUSKIE. I am not making that judgment necessarily.

Mr. KISSINGER. That is how it was described to me.

Senator MUSKIE. You see, I make a distinction between national security as a justification, and leaks. To close leaks and sources of leaks would require a surveillance effort that could be as wide as the 2½ million civil servants of this Government. If the closing of leaks is a sufficient justification, there is no limit. I gather, of course, from your testimony that there were limits to this in actual fact. But if you establish it as a principle, then the principle is pretty hard to contain.

[Deleted.]

#### BASIS FOR INITIATING WIRETAPS

Senator MUSKIE. Now with respect to each wiretap initiated as a result of the name that you provided, was that related to a specific leak of specific information? I know you couldn't recall. But was it your impression that it was a specific leak of specific information or a fishing expedition?

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Senator Symington. Well, you see, Senator Javits' question is extremely pertinent because we would like to know why first the tap was put on and secondly, why it was taken off so quick, I mean if we are going to get the facts.

You say he went on the White House --

Mr. Richardson. The reason it was put on was simply that papers flowed through his hands. It was not a question of the existence of any suspicion.

Senator Symington. Well, things happened, he resigned, he retired. He was not discharged.

Mr. Richardson. That is true.

Senator Symington. And I would like to leave it right there.

Now, you say that you returned the record from Mr. Ehrlichman and Mr. Ehrlichman, how do you know he has not got these tapes, these tapes. It is very easy to copy a tape.

Mr. Ruckelshaus. Well, the records are fairly voluminous, Senator, and what I think Mr. Ehrlichman did simply -- Mr. Ehrlichman simply held the taps as custodian from the White House after they were transferred from the FBI to the White House.

Senator Symington. My next to the last question would be have you taken any action against anybody as a result of information that you received on these tapes?

Mr. Ruckelshaus. The FBI has taken no action at all.

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Senator Symington. No, I meant -- we talk about raw files, and again, if I may quote my colleague from New York, they may be raw to us but they are not raw to you, and you know the facts, and we don't. My question would be based on the information that was in the tapes has any action been taken with respect to anybody who was tapped?

Mr. Ruckelshaus. I think Dr. Kissinger would be the best witness to that, Senator, because the purpose of the taps themselves was to discover whether any of these individuals was the source of leaks and there could be no way you could tell from that information just exactly how it could be put together with other information that could lead to that conclusion.

Mr. Richardson. The other corollary of what Mr. Ruckelshaus has said is there is nothing in the report we have been discussing in itself establishes that either an individual was the source of leaked information or that any action was taken with regard to him as a consequence of the taps.

Senator Symington. Would you file for the record, Mr. Attorney General, those people in the government who have seen the raw files in this particular case and also file for the record the names of anybody outside the government who has a copy of the FBI report?

Mr. Richardson. I certainly can't do the latter because

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WILLIAM D. RUCKELSHAUS, ACTING DIRECTOR, FBI, PRESS CONFERENCE, MAY 14, 1973, 2:00 P.M.

Mr. CONMY. Good afternoon. This is an on the record news conference with William D. Ruckelshaus, Acting Director of the FBI. Mr. Ruckelshaus has a brief statement, after which he'll be pleased to respond to any questions. There are hand microphones on the sides of the room may I suggest it will be easier for all of us to hear if you use those when you do ask your questions. There is a background paper on wiretapping that's available to you. You may use it as you see fit. There is also a text of Mr. Ruckelshaus' statement and a full transcript of the entire news conference will be available, hopefully, later today.

Mr. RUCKELSHAUS. Gentlemen, I'd like to read this statement, in its entirety so that we have this problem in context before your questions.

Shortly after assuming this job, my attention was drawn to several newspaper and periodical accounts of electronic surveillances, better known as wiretaps, having been placed on telephones of government employees and newsmen in an effort to stem the leaks of information related to highly sensitive foreign policy issues. Upon inquiry, I was informed by FBI employees that these surveillances had been performed and that the records relating to them were missing from the FBI files. Also the question had been raised in the Ellsberg trial whether information from these alleged taps had been used by the prosecution in any way and thus tainted the evidence.

As a result of this information, I immediately ordered an investigation into the facts surrounding the taps and the missing records. The investigation was started Friday, May 4, 1973, and was conducted under my personal supervision by highly skilled FBI personnel at Headquarters. Forty-two separate interviews were conducted, all by Headquarters personnel, and included travel to Phoenix, Arizona; Tampa, Florida; Savannah, Georgia; New York City; and Stamford, Connecticut.

The investigation revealed that from May, 1969, to February, 1971, based on consultations between the Director of the FBI and the White House, certain wiretaps were instituted in an effort to pinpoint responsibility for leaks of highly sensitive and classified information which, in the opinion of those charged with conducting our foreign policy, were compromising the Nation's effectiveness in negotiations and other dealings with foreign powers.

There was a total of 17 wiretaps placed for this purpose. Four were placed on newsmen as the potential recipients of leaks and thirteen on government employees as the potential sources. The taps were on for varying lengths of time during the period in question; two for as little as 30 days and one for as long as 21 months.

These requests were handled in the same way as other requests involving national security for a number of years and in prior Administrations. When a government agency or the White House requests surveillance the request is studied by the senior officials of the FBI, and if the Director approves, authority is then requested from the Attorney General. If he approves, as was done in this case, the surveillance commences, summaries are prepared from the logs, which are transmitted to the interested agency, or as in this case, the White House.

Because of the sensitivity of these particular surveillances, the records were very closely held; first in the Director's Office and then on the Director's orders under the custody of Mr. W. C. Sullivan who was an Assistant to the Director.

The investigation indicates that sometime in the summer of 1971, after the taps were all taken off, Mr. Sullivan contacted Mr. Robert Mardian, who was then Assistant Attorney General in charge of the Internal Security Division, and informed him of the nature of these records and recommended that they be transferred to The White House. According to Mr. Mardian, the recommendation was made on the claim by Mr. Sullivan that Mr. Hoover might use the records in some manner against the Attorney General or the President. Mr. Sullivan does not affirm Mr. Mardian's claim. There is certainly no proof that Mr. Hoover had such intention but the charge had its desired effect. According to Mr. Mardian, he informed Mr. Mitchell, who in turn informed The White House. The records were taken from the files by Mr. Sullivan, who ordered them given to Mr. Mardian, who delivered them to The White House.

When the FBI discovered the records were missing upon Mr. Sullivan's retirement in the fall of 1971, it commenced an inquiry which ended when Mr. Hoover was informed by Mr. Mitchell that the records had been destroyed. It should be noted that Mr. Mitchell has denied making such a statement to Mr. Hoover. This conflict cannot be resolved because of Mr. Hoover's death. Mr. Mitchell, however, confirmed that the records were moved to The White House.

In any event, the FBI accepted the premise that the records had been destroyed, and when I assumed my present position, I had no reason to believe that the records were still intact. It was not until last Thursday night that our investigation revealed, during an interview with Mr. Mardian in Phoenix, that the records probably still existed and might be in The White House.

The next day the records were located in The White House, having been filed in a safe in Mr. Ehrlichman's outer office.

Unfortunately, the records were not located in time to respond to Judge Byrne's inquiries about the potential taint of evidence in the Ellsberg trial. The interception of Ellsberg's conversations all occurred when he was either a guest of Morton Halperin, National Security Council, or conversing with him. It was one of those conversations of Mr. Ellsberg which I had informed the Judge on Wednesday, May 9, 1973, had been remembered by one of our employees who had monitored the tape. Of course, whether the location of the records would have had any effect on the Judge's decision is not for me to say.

On Saturday an FBI Agent and I went to The White House, identified and retrieved the records and they now rest in the FBI files.

The investigation was conducted with skill, speed and effectiveness by the FBI and resulted in the full retrieval of the records. I believe it is in the public interest to reveal these facts so that this story can be put in proper perspective.

Now I have two more points that I want to make, gentlemen. One is that I recognize how very emotional the question of wiretaps is in our society, and I asked at the time this investigation started that a history of the use of electronic surveillances or wiretaps in the FBI or by the FBI be prepared. The handout that you now have or is available is the result of that inquiry. I felt that the history was informative and good enough that it warranted being handed out at this press conference so that again these taps can be placed in that historical perspective. Secondly, since I am sure it will be one of the first questions, I want to touch on the reasons why I have not revealed the names of the 17 people who were placed under electronic surveillance during the course of this effort to stem the leaks. At first I felt it was probably a good thing to reveal these names in the interest of openness and letting the public know precisely what happened. And upon reflection I concluded that the potential harm to be done by the release of these names outweighed the good that could result in the openness of revealing them. The potential harm is clear to the employees of the Government in that their positions in the Government since they were at least once under suspicion and most, if not all of them, have since been exonerated, might be jeopardized. It's less clear as to the newsmen as to why the names would not be released, but again, upon reflection and a certain degree of agonizing I concluded that the potential was still there for some harm to be done by revealing their names to the public. And I was finally persuaded by the realization that if I made a mistake in releasing the names there was nothing I could do about it, but if I make a mistake in not releasing them I can always rectify that mistake by doing so later. So in response to any of your questions as to what these names are, or who is involved, my answer will be the same and that is that I will neither confirm nor deny that any of the names that you request are the subjects of this surveillance. I'll now attempt to answer your questions.

#### LEAKS RESULTING IN SUBMISSION OF PARTICULAR NAME

The CHAIRMAN. Could you indicate what leaks, for example, occurred that resulted in the submission of a particular name? Does this occur in the summary?

Mr. RICHARDSON. No, it does not. The summary only contains the sort of general background that was described by Mr. Ruckelshaus in his May 14 statement and later by the President in his May 22 statement.

#### ATTORNEY GENERAL'S REQUESTS FOR TAPS

The CHAIRMAN. Does the summary indicate whether or not the Attorney General requested any names to be tapped?

Mr. RICHARDSON. There are two instances—I want Bill to hear this—the chairman's question was does the summary indicate any



Indistinct document retyped by  
House Judiciary Committee staff

In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage, nor was there any specific instance of information being leaked in a surreptitious manner to unauthorized.

- 7 -

Indistinct document retyped by  
House Judiciary Committee staff

In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage. nor was it determined that this information being in the hands of unauthorized persons to unauthorized.



14. In June 1969, John Ehrlichman directed John Caulfield to have a wiretap installed on the office telephone in the home of Washington newspaper columnist Joseph Kraft. Ehrlichman has testified that he discussed the proposed wiretap with the President, but that he did not know the wiretap was ever instituted. The wiretap was installed by a former Chief of Security for the Republican National Committee with the aid of a Secret Service employee. It remained in place for one week during which Kraft was not at home. Caulfield has testified that Ehrlichman then told him to cancel the operation. At the same time, Deputy FBI Director William Sullivan was ordered by FBI Director Hoover to travel to a European country and arrange for electronic surveillance of Kraft. A 19-page summary of conversations overheard from a surreptitious listening device in Kraft's hotel room was prepared, which was sent to Ehrlichman.

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14.3 Summary of FBI file on Joseph Kraft wiretap, June 1973, prepared by House Judiciary Committee staff.....	324

1 some things, to speed this up?

2 Mr. Lenzner. Sure.

3 (Discussion of the record.)

4 Mr. Sears. For the record, I think it would be a good  
5 idea, since we have gone through various chronological points  
6 here with the questions that have been asked, if Jack could just  
7 in a narrative, perhaps, state his recollection of the sequence  
8 of the events that transpired in regard to the Kraft wiretap.

9 Mr. Lackritz. That's fine.

10 Mr. Caulfield. Well, we started with June of '69 when  
11 Mr. Ehrlichman called me in and indicated he wanted to - in a  
12 high national security priority matter - he wanted to have a  
13 wiretap installed on the home telephone of Joseph Kraft.

14 I immediately indicated to him that I felt, since it was  
15 a national security matter, that it would properly be within  
16 the purview of the Federal Bureau of Investigation.

17 He indicated that the FBI was a "Civ", and that he wanted  
18 the matter handled in this fashion; he also indicated at that  
19 time - and I don't recall the specifics the matter related to -  
20 the Cambodian situation, which at that time was of deep concern  
21 in the country.

22 I subsequently contacted Mr. Jack Ragan of the Republican  
23 National Committee and indicated to him that I had this  
24 directive from Mr. Ehrlichman, it was a high priority national  
25 security matter, and they wanted a wiretap installed at Mr.

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1 Kraft's residence. Mr. Ragan and I went out and took a look at  
2 Mr. Kraft's residence, and we both came to a consensus agreement  
3 that it was very difficult a matter to handle, Mr. Kraft lived  
4 in a very prestigious area of Georgetown. I went back and spoke  
5 to Mr. Ehrlichman and reported that back to him.

6 He indicated that it had to be done, and I was to attempt  
7 to proceed to have the wiretap installed. I so directed Mr.  
8 Ragen to attempt to see what he could do with respect to the  
9 wiretap. I learned subsequently that Mr. Ragan went out and  
10 with an individual from New York whom I don't know, apparently  
11 installed some sort of a device on the rear pole of Mr. Kraft's  
12 residence.

13 Just about that time Mr. Ehrlichman called me in and said  
14 I was to desist in the matter, they had decided - he didn't  
15 indicate who - that it had been decided that the FBI was going  
16 to take care of the matter.

17 I went back to Mr. Ragan and we met at the Congressional  
18 Hotel, and I told him that I had been directed that we should no  
19 longer be involved in the matter. He said he and another  
20 gentleman, whom he did not identify, had had some success with  
21 the wiretap, and presented me with a tape which allegedly  
22 contained some conversation.

23 He, as I recall, indicated that Mr. Kraft was not on the  
24 wiretap, his voice was not on the wiretap, there was some  
25 conversation. As I recall it might have been a maid.

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1 I took the tape back to my office and ran out part of the  
2 reel, approximately 30, 40, 50 feet, and destroyed that. Kept  
3 the tape in my office for about a month or two, and subsequently  
4 destroyed both the remainder of the reel and the reel itself;  
5 put it in the burn bag in the White House.

6 Mr. Sears. That's about it.

7 Mr. Caulfield. I did not at any time ever indicate to  
8 Mr. Ehrlichman there had been a tape in connection with his  
9 directive.

10 Mr. Lenzner. When you say you ran it out, Mr. Caulfield,  
11 what does that mean when you say you "ran" the tape out?

12 Mr. Caulfield. I took the tape, unwound part of the tape,  
13 I estimate maybe 40, 50 feet, and destroyed that shortly after  
14 it was given to me; within a day or two. I kept the reel and  
15 the tape in my office and within a month or two thereafter  
16 decided to put the reel and the remainder of the tape as well  
17 into the burn bag.

18 Mr. Lenzner. Well, why did you destroy that 40, or 50  
19 feet of it initially?

20 Mr. Caulfield. Well, Mr. Ragan indicated to me that there  
21 was a short conversation on the tape that he had given to me;  
22 I never listened to it. I estimated, just a calculated guess  
23 as to how much it would be, a minute or two, and destroyed that  
24 part of it. And then subsequently I put the reel and the  
25 remainder of the tape also in the burn bag of the White House.

1 him this would properly belong in the purview of the Federal  
2 Bureau of Investigation, and he indicated that the FBI was a  
3 "Civ.", and the matter would have to be handled in the manner  
4 he was suggesting. In the manner he was directing.

5 Mr. Lackritz. Did he give you any indication of the  
6 source for the national security concern?

7 Mr. Caulfield. I have trouble recalling exactly what the  
8 specifics were; the only thing I recall is that he made a  
9 reference to Cambodia.

10 Mr. Lackritz. Do you recall what the reference to Cambodia  
11 was?

12 Mr. Caulfield. No, I do not; but I do specifically recall  
13 he mentioned the national security matter had to do with the  
14 Cambodian situation. He did not ever explain those specifics  
15 to me.

16 Mr. Lackritz. All right. When was this meeting in Mr.  
17 Ehrlichman's office, to the best of your recollection?

18 Mr. Caulfield. The best I recall, it was in June of 1969.

19 Mr. Lackritz. And did you agree to follow Mr. Ehrlichman's  
20 direction and implement a national security wiretap?

21 Mr. Caulfield. I agreed to evaluate the directive, see if  
22 it could be done.

23 Mr. Lackritz. All right, sir. Could you explain what you  
24 did after you left Mr. Ehrlichman's office?

25 Mr. Caulfield. I contacted Mr. John Ragan subsequent to

= 21 Wat  
9688

1 the meeting and advised him of the directive. And I requested  
2 that he and I confer with the view toward seeing that the wire-  
3 tap would be implemented.

4 Mr. Lackritz. All right, who was Mr. John Ragan?

5 Mr. Caulfield. Mr. Ragan was the chief of security at the  
6 Republican National Committee.

7 Mr. Lackritz. And how had you known Mr. Ragan from before?

8 Mr. Caulfield. I had known him since '68, the campaign.

9 Mr. Lackritz. Did Mr. Ragan have the capability of imple-  
10 menting wiretaps?

11 Mr. Caulfield. Well, Mr. Ragan was a former employee of  
12 the FBI, and was knowledgeable in the area of wiretapping during  
13 his tenure at the FBI.

14 Mr. Lackritz. I see. Do you know how long he had been in  
15 the FBI?

16 Mr. Caulfield. I know he retired from the Federal Bureau  
17 of Investigation. I have no idea how long a tenure that was.

18 Mr. Lackritz. Did Mr. Ragan have any wiretapping capability  
19 that was used in the 1968 Campaign?

20 Mr. Caulfield. No, Mr. Ragan's function in the 1968  
21 Campaign was the counter-measure security expert. In other  
22 words, his role would have been to insure the integrity of the  
23 communications system of the traveling campaign staff.

24 Mr. Lackritz. Do you mean by that explanation that he had  
25 a defensive sweeping capability?

1 substance.

2 Mr. Lackritz. So, he directed you to go ahead and carry  
3 out the tap. Was there any discussion with Mr. Ragan about the  
4 need for getting the parent cable numbers of the telephone  
5 lines?

6 Mr. Caulfield. Yes.

7 Mr. Lackritz. Did Mr. Ragan request you to obtain that  
8 information for him?

9 Mr. Caulfield. I don't specifically recall whether he  
10 requested, or we both came to an agreement, a consensus agreement  
11 that that would be necessary for him to proceed, if he were to  
12 proceed. At that time there was no hard judgment made that we  
13 were going to go ahead and do it.

14 Mr. Lackritz. I see. But after you spoke with Mr.  
15 Ehrlichman, I take it he directed you to go ahead and implement  
16 the project.

17 Mr. Caulfield. He indicated he wanted it done, yes.

18 Mr. Lackritz. Did you then secure the information of the  
19 parent cable numbers for Mr. Ragan?

20 Mr. Caulfield. Yes, I was able to do that.

21 Mr. Lackritz. And how were you able to do that?

22 Mr. Caulfield. I contacted a personal friend of mine; and  
23 I prefer not to mention his name.

24 Mr. Lackritz. Well, I think for the purposes of the record  
25 we would like to identify the individual. I believe that

1 individual was in the Secret Service, is that correct?

2 Mr. Caulfield. Well, that may well be, but at this hearing  
3 I prefer not to mention his name.

4 Mr. Lackritz. Well, let me put it this way: This record  
5 is at the present not for public release; the Committee at some  
6 later time may wish to vote to release the testimony given here  
7 this morning. If in fact the Committee decides to release the  
8 testimony you will have the opportunity of deleting information  
9 that you feel is not appropriate to be released to the public.

10 But at this time it is appropriate to have you state for  
11 the record the individual from whom you received --

12 Mr. Caulfield. I can't do that. I have had trouble with  
13 this particular area in other forums, and I steadfastly main-  
14 tained that I don't think that's important because the individual  
15 who provided the information was totally unaware of the reasons  
16 for the wiretap.

17 It was done as a favor to me. It is a person of life-long  
18 friendship and I will not have his name dragged into this. He  
19 was totally unaware of just what the specifics of this matter  
20 were.

21 Mr. Sears. Can we go off the record?

22 Mr. Lenzner. Let me say one thing on the record before  
23 we do that. The significance as we see it is not whether he  
24 knew, or didn't know what the purpose of that information was;  
25 but the question of why he would give you, as a member of another

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1 agency that kind of information. That seems to me to be  
2 entirely appropriate for this Committee to have some legislative  
3 review on.

4 Mr. Sears. Now let's go off the record.

5 (Discussion off the record.)

6 Mr. Lenzner. Back on the record.

7 The discussion off the record related to the need on Mr.  
8 Caulfield's and Mr. Sears' part to not disclose the name -- how  
9 many agents are we talking about?

10 Mr. Caulfield. One agent.

11 Mr. Lenzner. One agent who furnished this information to  
12 Mr. Caulfield. As I understand it, if Senator Ervin is agreeable,  
13 the name of that individual will be forwarded to Senator Ervin  
14 in a letter from Mr. Sears and Mr. Caulfield, with Senator  
15 Ervin's discretion to use that information as he sees appropriate;  
16 and the letter will indicate that they prefer it not be  
17 disseminated widely, I assume.

18 Now, for the record, was the agent who furnished you that  
19 employed by the Secret Service?

20 Mr. Caulfield. Shall I indicate it at this time?

21 Mr. Sears. Yes.

22 Mr. Caulfield. The answer is yes.

23 Mr. Lackritz. Right. Did you explain to this individual  
24 from the Secret Service that that was a matter of national  
25 security?

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1 Mr. Caulfield. Let's go off the record here.

2 (Discussion of the record.)

3 Mr. Lackritz. The question was, did you explain to this  
4 individual that this was a matter of national security that you  
5 were requesting his assistance on?

6 Mr. Caulfield. Yes.

7 Mr. Lackritz. Did you explain what specifically you were  
8 doing on behalf of Mr. Ehrlichman?

9 Mr. Caulfield. No, I did not.

10 Mr. Lackritz. All right. And this individual obtained  
11 the parent cable numbers for you.

12 Mr. Caulfield. Yes

13 Mr. Lackritz. How did he obtain them?

14 Mr. Caulfield. I have no idea how he did it.

15 Mr. Lackritz. Did he get them from a friend of his?

16 Mr. Caulfield. I'm not certain whether or not that happened

17 Mr. Lackritz. All right. Do you recall telling Mr.

18 Lenzner and myself on September 11th that this individual got  
19 the parent cable numbers from another friend of his?

20 Mr. Sears. Off the record.

21 (Discussion off the record.)

22 Mr. Caulfield. Give me the question, again.

23 Mr. Lackritz. I think the question was, did you recall  
24 telling Mr. Lenzner and myself on September 11, 1973 that a  
25 friend of this individual -- a friend of this individual who

Mr. DASH. Did you have any role in authorizing other wiretaps?

Mr. EHRLICHMAN. From time to time, I did.

Mr. DASH. What area, would you tell us?

Mr. EHRLICHMAN. Well, now we are in this area—

Mr. DASH. I am not asking for any specific taps. I am not asking for specificity.

Mr. EHRLICHMAN. National security, generally national security objectives. I am under a stricture which really doesn't permit me to be very responsive to your question.

Mr. DASH. We appreciate that and should there come a time when we have to get into it any more thoroughly, the committee can respond to that. But I am not going into any specific point.

Mr. EHRLICHMAN. I understand.

Mr. DASH. Did you authorize Mr. Liddy's wiretaps in your role of supervising the Special Investigations Unit?

Mr. EHRLICHMAN. In 1971, that was so. In 1969, as counsel, I authorized an attempt which never came to anything. It was not actually accomplished. But beyond that, it would have been in one of those two capacities, either as counsel in 1969 or in my relationship to this unit in 1971.

Mr. DASH. Were you aware of the electronic surveillance on Joseph Kraft's house?

Mr. EHRLICHMAN. That was the one that I was talking about in 1969 that, so far as I know, never happened.

Mr. DASH. Do you know who was involved in attempting to commit that wiretap?

Mr. EHRLICHMAN. Yes, Mr. Caulfield was.

Mr. DASH. I didn't hear you.

Mr. EHRLICHMAN. Mr. Jack Caulfield was.

Mr. DASH. Did you ever discuss that tap with the President?

Mr. EHRLICHMAN. I am sure I did.

Mr. DASH. Do you know what the purpose of the placing of that tap was?

Mr. EHRLICHMAN. It was a national security purpose.

Mr. DASH. Now, did it come to your attention that there was an effort to either break into the Brookings Institute or firebomb the Brookings Institute?

Mr. EHRLICHMAN. Yes.

Mr. DASH. Could you tell us how it came to your attention?

Mr. EHRLICHMAN. It came to my attention, I think, from John Dean at the time that he came to California, as he has described in his testimony.

Mr. DASH. And is his testimony essentially correct on that?

Mr. EHRLICHMAN. Well, I can't vouch for the hearsay aspects of it. He says Jack Caulfield told him that somebody else told him that I had authorized this thing, and that is hearsay so many times removed that it is very difficult to cope with.

I can say very briefly, I didn't authorize it.

Mr. DASH. Do you know who authorized it?

Mr. EHRLICHMAN. No, I don't.

Mr. DASH. Did you ever look into who authorized it?

Mr. EHRLICHMAN. No, I didn't.

Mr. DASH. What was he asking you to do about it?

14.3 SUMMARY OF NOTES OF FBI FILE ON JOSEPH KRAFT WIRETAP, JUNE 1973

Sensitive FBI documents examined by the House Judiciary Committee dealing with the wiretap of Joseph Kraft disclosed that the FBI has no record that a wiretap of Joseph Kraft was ever conducted by the FBI itself. The records disclose that the FBI did have information that in 1969 John Ehrlichman had directed a wiretap on Kraft that was installed while Kraft was on vacation. The wiretap was removed before his return, and John Caulfield, who installed the tap, assumed that the "bug" was removed because the White House had convinced the FBI to take over the tap.

The FBI documents also contain 19 pages of recorded material from microphone coverage of Kraft in a foreign country. The records indicate that Assistant FBI Director William Sullivan, apparently with the knowledge and consent of Director Hoover, traveled to the foreign country and arranged for microphone coverage of Kraft's hotel room through local authorities.

The FBI documents also show letters from the FBI to John Ehrlichman concerning this wiretap dated July 15, 1969 and November 7, 1969. A copy of the November 7 letter was also sent to Attorney General Mitchell.

Consideration was given to installing a wiretap on Kraft in the United States, but due to failure of the Attorney General to provide written approval, a tap was never installed.

15. On July 8, 1969 Assistant FBI Director Sullivan reported to Director Hoover that the wiretap on one of the NSC employees produced nothing significant from the standpoint of discovering leaks and recommended that some of the coverage be removed. The tap on that employee was not removed; it remained in place until February 10, 1971, 17 months after the employee resigned as a full-time employee of the NSC, and 9 months after he terminated his relationship as an NSC consultant.

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- 15.1 Memorandum from William Sullivan to J. Edgar Hoover,  
July 8, 1969 (received from Department of Justice) ..... 326
- 15.2 Morton Halperin affidavit, Halperin v. Kissinger,  
November 12, 1973 ..... 327
- 15.3 Halperin v. Kissinger complaint, June 14, 1973, paragraph  
26 and Defendants' answer to complaint, August 14, 1973,  
paragraph 26..... 331

TOP SECRET

DO NOT FILE

July 8, 1969

Dear Mr. Hoover:

SPECOV

In regard to our very sensitive coverage on N of the National Security Council, et cetera, as I have previously stated nothing has come to light that is of significance from the standpoint of the leak in question. I am suggesting to Colonel Haig that some of this coverage be removed. I had previously suggested the removal of the coverage of G, I, C, and B and he agreed

As we know N cannot be trusted. We have learned enough already from the early coverage of him to conclude this. Since C was removed, N has said almost nothing on the telephone. My guess is that he assumes it is tapped. There is a marked contrast between his lengthy conversations before that time and almost no conversation now.

I am making a careful over-all analysis of the aforementioned sensitive coverage and it will be submitted to you for whatever use you may decide to make of it.

Respectfully submitted,

Bill Sullivan  
William C. Sullivan

\*from the National Security Council staff

DO NOT FILE

TOP SECRET

Original impounded by  
court order. See memo  
in 63-16062-3. *Jim*

JUN 12 1973 *Jim*65-75085-315  
NOT RECORDED

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MORTON H. HALPERIN, et. al.,	:	
	:	
Plaintiffs,	:	
	:	
-v-	:	Civil Action No. 1187-73
	:	
HENRY A. KISSINGER, et. al.,	:	
	:	
Defendants,	:	
	:	

AFFIDAVIT

City of New York )  
                  ) ss:  
State of New York)

MORTON H. HALPERIN, being duly sworn, deposes and says:

1. On May 9, 1969, in Key Biscayne, Florida, defendant Henry A. Kissinger informed me that I was suspected of leaking a story by Mr. William A. Beecher which had appeared in the New York Times several days before. The story reported that the United States had begun bombing Cambodia and provided some details of the bombing operation. Kissinger asked me whether I had provided any information to Beecher. I assured him that I had not. I pointed out that I could not have been the source of most of the information in the article since I had not had access to the information and did not know whether the story was accurate or not. Kissinger was well aware of this since everything I knew about the bombing, essential only the single fact that the United States had bombed Cambodia, I had learned in conversation with Kissinger. I had not had and never had access to any documents related to the bombing.

2. Kissinger indicated that he accepted my assurances

but that others would not. He noted that as he had informed me previously, a number of high level figures in the Nixon Administration were suspicious of my political views and considered me disloyal to the administration. He informed me that for a period of time he would not give me access to any of the more sensitive information regarding national security matters. That way, he stated, if any information leaked I could not be blamed.

3. This period lasted until I resigned from the staff of the National Security Council in September of 1969. After May 9, 1969 I was given no access to sensitive material including information relating to private Vietnam negotiations, negotiations with the People's Republic of China, White House negotiations with the Soviet Union, and plans for troop withdrawals from Vietnam. Kissinger and defendant Alexander Haig were fully aware of this since they personally controlled access to such information.\*/ From May 9, 1969 on, my access was limited to information available to hundreds of others in the White House and the department of the Executive Branch. A number of other officials had access to the information about the bombing of Cambodia and, at least according to press reports, were not tapped. On the National Security Council staff, these

\*/ On one such matter--private Vietnam negotiations--Haig has so testified under oath at the so-called Pentagon Papers trial. He testified: "I would say from the period January '69 until his departure from the staff in August of '69 Mr. Halperin had regular access to the regular reporting traffic on the conduct of the formal negotiations within the Paris framework which had been established for some period and which was reconvened that year. He would have had full access to those as a member of the staff involved in South-east Asian and other affairs. He would not have had access to the more sensitive, third-party contacts which may have occurred during that period." (Transcript, p. 20,925.)



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included Henry A. Kissinger, Alexander Haig, and Lawrence Eagleburger. Other officials, unknown to me, in the Departments of State and Defense also had access to this information. Information leaked to the press on other subjects was also available to a number of officials.

4. On August 6, 1969, I informed Kissinger of my desire to leave the National Security Council staff as soon as possible. At his request, my departure was delayed until September 19, 1969. Also at his request I agreed to become a consultant to him.

5. On September 19, 1969 I left the NSC staff and was notified that I had been appointed a consultant effective September 21, 1969.

6. On May 4, 1970, I sent Kissinger a letter resigning as a consultant. On May 13, I received a letter from Kissinger "confirm[ing] that you will no longer be carried on the rolls of the National Security Council staff for possible future consultation."

7. During the period September 20, 1969 to May 13, 1970, I had no access to any classified information. This was well known to Kissinger and Haig since only they would have given me access. (See also Haig testimony quoted above.)

8. During this period, I was employed by the National Security Council for only one day. On that day I wrote, at Kissinger's request, a memorandum on Vietnam. I had no access to classified information in the course of writing that paper.

9. After leaving the staff of the National Security Council in the period of September 1967 to February 1971, I engaged in a number of activities reflecting my political beliefs.

-4-

I wrote articles for newspapers. I consulted with Senators, Congressmen, and their staffs on what positions they might take on public issues including Vietnam. In particular, I consulted with a number of people advising Senator Edmund Muskie in connection with his possible candidacy for President of the United States. At the time of the American invasion of Cambodia in the Spring of 1970, I consulted with a number of American citizens about various potential forms of citizen activity to protest American policy. Discussions related to all of these activities took place on my home telephone.

Morton H. Halperin  
Morton H. Halperin

Subscribed and sworn to

This 12<sup>th</sup> day of November, 1973

Leon Friedman  
Notary Public

A preliminary report which I received last night indicates that an F.B.I. employee recalls that in late 1969 and early 1970 Mr. Ellsberg had been overheard talking from an electronic surveillance of Dr. Morton Halperin's residence. It is this employee's recollection that the surveillance was of Dr. Halperin, and that Mr. Ellsberg was then a guest of Dr. Halperin.

I have no information concerning the substance of the conversation, nor has the investigation to date been able to find any record of such a conversation. The investigation, of course, is not complete, and further facts bearing upon the wiretaps may be uncovered.

24. Subsequently, acting F.B.I. Director RUCKELSHAUS recovered the missing surveillance records from a safe in the White House office of defendant EHRLICHMAN and on information and belief, the records are now in his possession.

25. From May 1969 until September 19, 1969, while plaintiff MORTON HALPERIN was serving as Assistant to defendant KISSINGER, he and plaintiff INA HALPERIN frequently communicated their political and other views privately and frankly in telephone conversations with their close friends. On information and belief these conversations were recorded and summarized in regular reports to the defendants KISSINGER, HAIG, HALDEMAN and EHRLICHMAN, based on the continuous electronic surveillance of plaintiffs' telephone during the period in question.

26. On information and belief, the defendants' illegal interception, disclosure and use of conversations on the private telephone in plaintiffs' residence continued for a period of four to twenty-one months or more, after plaintiff MORTON HALPERIN had left the staff of the National Security Council. [During this period plaintiff MORTON HALPERIN, no longer a government employee, frequently communicated by telephone with many persons, including high elected officials, who expressed their views of current government policies. Plaintiff MORTON HALPERIN also wrote many articles for newspapers and journals in this period and communicated

by telephone with many individuals in the course of preparing these articles. All these communications were privately expressed but, on information and belief, were intercepted under the direction of defendant SULLIVAN, and disclosed and used in regular reports to the defendants KISSINGER, HAIG, HALDEMAN and EHRLICHMAN.

27. On information and belief, the defendants' electronic surveillance of the plaintiff MORTON HALPERIN and his family was initiated by the defendants KISSINGER, HAIG, EHRLICHMAN, HALDEMAN and MITCHELL in bad faith for the purpose and effect of monitoring the political ideas and associations of plaintiff MORTON HALPERIN during the period in question.

28. At no time did the plaintiffs, citizens of the United States, have any involvement with a foreign power, its agents or agencies.

#### Claims

29. The defendants' procurement of interception, disclosure and use, and their interception, disclosure and use of plaintiffs' telephone conversations during the period in question were unreasonable and illegal, and were not made in good faith reliance on any judicial, legislative or other valid authorization; and their disclosure and use of such communications were made with knowledge that the communications had been obtained by electronic surveillance of plaintiffs' telephone.

30. Defendants' procurement of interception, disclosure and use, and their interception, disclosure and use of the plaintiffs' wire communications through electronic surveillance for a period of 8 to 25 months or more, was in violation of Title 18, United States Code, Sections 2511 and 2520.

31. Defendants' procurement of interception, disclosure and use, and their interception, disclosure and use of plaintiffs' telephone communications during the period in question, deprived plaintiffs of their rights of free speech and association

now in the possession of the Clerk of the United States District Court for the District of Columbia. The Federal defendants deny all allegations contained in paragraph 24 inconsistent herewith.

25. The Federal defendants admit the allegations contained in the first sentence of paragraph 25 of the Complaint. The Federal defendants further admit that from May, 1969 until September 19, 1969 overhears of plaintiffs' telephone conversations were periodically summarized and that such summaries were made available to defendants Kissinger, Haig and Haldeman, based upon the continuing telephone surveillance of the plaintiffs' residence during the period in question. The Federal defendants deny all allegations in paragraph 25 of the Complaint inconsistent herewith.

26. The Federal defendants admit that the lawful interception, disclosure and use by the Federal Bureau of Investigation of conversations overheard on the telephone located at the plaintiffs' residence continued from May 12, 1969 until February 10, 1971. The Federal defendants further admit the allegations contained in the second and third sentences of paragraph 26 of the Complaint. The Federal defendants further admit the telephone surveillance of the plaintiffs' residence was instituted pursuant to the authorization of defendant Mitchell and was conducted under the supervision of defendant Sullivan and others, and that summaries of the overhears of such surveillance were, during the course of such surveillance, periodically made available to defendants Kissinger, Haig and Haldeman. The Federal defendants deny all allegations contained in paragraph 26 inconsistent herewith.

27. The Federal defendants deny the allegations contained in paragraph 27 of the Complaint.

28. The Federal defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 28 of the Complaint.

29. The Federal defendants admit that any disclosure or



16. Effective July 1969, Anthony Ulasewicz, a retired New York City policeman, was hired as an investigator by John Ehrlichman, Counsel to the President. From that date until mid-1972, under the direction of Caulfield, Ulasewicz conducted numerous investigations for the purpose of obtaining information of possible political value to the Nixon Administration. His salary and expenses were paid by campaign fundraiser Herbert Kalmbach from political contributions held by Kalmbach.

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but I do recall his keeping us informed on a regular basis of developments as they became available there.

Senator WEICKER. And so you transmitted this information to the President?

Mr. EHRLICHMAN. In summary form. He produced almost nothing that was not a matter of newspaper reporting, as it turned out. So there was very little to, there was very little to pass on that would have been of any moment that you could not have read in an ordinary newspaper.

Senator WEICKER. Well, of course, Mr. Ulasewicz testified that part of the information which he received was a matter of public record, other information that he received was a matter of, was received or gotten in an investigatory way. But why did you feel the necessity to have somebody like Mr. Ulasewicz investigate the Black Panthers?

Mr. EHRLICHMAN. Oh—

Senator WEICKER. Is there some reason why possibly the law enforcement army, is this another area that J. Edgar Hoover was weak on?

Mr. EHRLICHMAN. No; he had his connections with the New York Police Department at one point in time, had been in intelligence involving violent groups of that kind, and he had sources, particularly in the New York Police Department Intelligence Division, and so he would be the recipient of information because of that former association.

Senator WEICKER. Well, I know, but that still is not a satisfactory answer. Was there some inadequacy on the part of normal—

Mr. EHRLICHMAN. I previously—

Senator WEICKER [continuing]. Normal law enforcement agencies?

Mr. EHRLICHMAN. Right. I previously testified, I think, Senator, we were not getting an accumulation of intelligence from the police and the sheriff's offices and the State police of various municipal and State organizations. It was some time—I think it was probably the second year or possibly into the third year before there was set up in the Justice Department a facility for accumulating all of this. Mr. Ulasewicz, in the sixth or seventh month that he worked in the counsel's office when I was counsel, did a kind of makeshift job of getting some of this information and feeding it in.

Senator WEICKER. So in fact during this period of time we all slept better at night knowing Mr. Ulasewicz was on the job, is that right?

Mr. EHRLICHMAN. Well, I don't know about that, Senator.

Senator WEICKER. I am going to pursue this for a minute because, let's get into the hiring of Mr. Ulasewicz. Was he brought down to the White House and interviewed for a job by the personnel at the White House? Just how was he hired?

Mr. EHRLICHMAN. No; he was hired because he was well known to Mr. Caulfield. Mr. Caulfield recommended him highly, and he was hired by me after a very brief meeting but principally on Mr. Caulfield's say-so and recommendation.

Senator WEICKER. Well, but where did you hire him?

Mr. EHRLICHMAN. Where did I hire him?

Senator WEICKER. Right.



Mr. EHRLICHMAN. Well, I met him in an airport while I was on a trip to New York, as I recall, and Mr. Caulfield, as I recall it, arranged a meeting for us. I hired him, I guess, in the White House, that is I made the decision and authorized Mr. Caulfield and made the arrangements with Mr. Kalmbach to pay him.

Senator WEICKER. In your first meeting with him, was it in the VIP lounge in LaGuardia Airport?

Mr. EHRLICHMAN. That was the only meeting with him I ever had.

Senator WEICKER. That was the only meeting?

Mr. EHRLICHMAN. Yes, sir.

Senator WEICKER. So that this is some new situation whereby we are going to meet potential White House employees in the lounges of airports or what?

Mr. EHRLICHMAN. As I tried to say in my opening statement he was not a White House employee.

Senator WEICKER. I see.

Mr. EHRLICHMAN. And he was never held out to be and as a matter of fact, the very point of having him was that we were not gathering political information with Government people. I didn't feel that we ought to have Government people in that business. That we ought to have a fellow who is established on the outside, who was paid on the outside, and you have this anomaly of having to conduct some political activity, both of a fundraising and of a staff and of an investigatory nature, and you do it with political funds, and they have to be outside people.

Senator WEICKER. Well, isn't it true, and certainly neither one of us is in the position of being a novice here politically, that the reason why you would want him on an outside payroll is that you would not want to claim him if he were found out. Would that be a fair description?

Mr. EHRLICHMAN. Well, I don't think the way it was set up there would be any way to disclaim him, Senator. Because he was being paid very directly from Nixon campaign funds in the hands of a trustee committee, and there just was no way to disclaim him. Everybody would be able to find out Mr. Ulasewicz' employer through just the employer number, if nothing else.

Senator WEICKER. Well, I will tell you maybe everybody found out. Maybe everybody knew but we had to do an awful lot of digging around here to find out who Mr. Ulasewicz was and what role he had to go ahead and play.

I would like to have your concept and I think this is very important; now we are questioning into the real events of the real business of this committee, what's your concept of political information. You see, unfortunately, thanks to the Committee To Re-Elect the President, and some of the witnesses who have appeared here, everybody thinks that the Senators at this table and others engaged in politics go running around hiring Ulasewicz' types to dig up dirt on each other, and I just can't allow that to fly without contesting it because really it's going to make elections rather interesting in the future if it does.

I wonder if you might, since you were the one who was responsible for hiring this man, and since we have had a description by this man of exactly what his job consisted of, which was dirt, I wonder if you might tell the committee what your concept is of politics here in the United States insofar as this type of activity is concerned?

Mr. EHRLICHMAN. Well, I think that certainly there is room for improvement in the practice of politics in this country, there is no argument about that. But, at the same time, I think that each candidate who contests the candidacy of an incumbent has the obligation to come forward and contest the fitness of that incumbent for office both in terms of his voting record and in terms of his probity, and in terms of his morals, if you please, and any other facts that are important or germane to the voters of his district or State or the country, for that matter. I think a candidate for office assumes that burden of proof. He assumes the burden of proof of showing the unfitness of the incumbent and I don't think in our political system that is limited to his voting record or his absenteeism. If it were, we would countenance the perpetuation of scoundrels in office who were thieves or who were fraudulent or who were profligate or who were otherwise unfit for office, so I think it's perfectly competent for a challenger to meet head-on the issue of the fitness of an incumbent.

Senator WEICKER. Do you mean to tell me and this committee that you consider private investigators going into sexual habits, drinking habits, domestic problems, and personal social activities as a proper subject for investigation during the course of a political campaign?

Mr. EHRLICHMAN. Senator, I know of my own knowledge of incumbents in office who are not discharging their obligation to their constituents because of their drinking habits, and it distresses me very much, and there is a kind of an unwritten law in the media that that is not discussed, and so the constituents at home have no way of knowing that you can go over here in the gallery and watch a Member totter onto the floor in a condition which, of at least partial inebriation which would preclude him from making any sort of a sober judgment on the issues that confront this country.

Now, I think that is important for the American people to know, and if the only way that it can be brought out is through his opponents in a political campaign, then I think that opponent has an affirmative obligation to bring that forward.

Senator WEICKER. Now, this is getting very interesting. [Laughter.]

Again we contrasted similar situations yesterday and again I am just not going to let these things get laid on the table without giving another side to the argument.

I have had eight election campaigns, 8 years, 6 against Democrats and 2 against Republicans, I suppose it would be considered self-serving to say that I have never done anything like that, so I won't. I will refer to my opponents. I know of no Democratic opponents out of the six and no Republican opponents out of the two that has ever done what Mr. Ulasewicz was doing or what you are, in effect advocating here.

Now it seems to me it is up to the constituency, whatever that constituency happens to be, to make a determination of the fitness of the man or woman that they go ahead and elect. but do you really want to bring the political system of the United States, of our campaigns down to the level of what you are talking about right now?

Mr. EHRLICHMAN. Well, I conceive of it this way, Senator. I know that in your situation your life style is undoubtedly impeccable and there wouldn't be anything at issue like that.

Senator WEICKER. I'm no angel.

Mr. EHRLICHMAN. I thought you were.

Senator WEICKER. Believe me, I am not. I worry about you seeking people on the landscape here and I have a greater worry now before you here, and I will put it that way.

Mr. EHRLICHMAN. I think you will agree with me, Senator, that someone with a serious drinking habit is of doubtful fitness for the kind of heavy duty that you bear, for instance, or that any Senator bears in the Senate of the United States. That is certainly a material question that has to be raised in a political campaign, at least so it seems to me.

Now, if that is not something that the incumbent's opponent should bring out, then you are leaving the constituency to the tender mercy of the journalists in the community as to whether or not that is reported to the constituency because they don't have any way of knowing really, especially the constituencies remote from here where people get here very seldom to make an observation. So, I would be very concerned about that and it seems to me that would be a very legitimate subject of inquiry. Maybe my standards are all haywire and everybody in the Congress ought to be immune from scrutiny on that subject, but that just seems to me to be an indefensible position on your part.

Senator WEICKER. You think we have no scrutiny around here?

Mr. EHRLICHMAN. Sir?

Senator WEICKER. You think we have no scrutiny around here?

Mr. EHRLICHMAN. Well, in all candor—

Senator WEICKER. I mean I have got news, let's count them, they are all over here at this stage of the game and they are all the time not just to hear you and I talk. If there is anything that is quite obvious in Washington, D.C., it is that every aspect of our lives, legislatively, personally, and in every way, is subject to the scrutiny of a free press and subject to the scrutiny, at least the Congress is subject to the scrutiny of a free press. [Laughter.]

- And also, subject to the scrutiny of our constituency.

Senator BAKER. Our wives.

Senator WEICKER. And our wives, right. [Laughter.]

I want to state right now, and I, obviously you and I, are at loggerheads on a very basic issue here and one that I think not only relates to Mr. Ulasewicz' activities, and I am not so sure we don't come right back to the break-in in Daniel Ellsberg's office again, that I am quite satisfied that our systems, our institutions, are perfectly capable of passing decent judgments, fair judgments, hard judgments, on political figures, public officials, without the covert operations of men like Mr. Ulasewicz.

Mr. EHRLICHMAN. Senator, I would only disagree with you by saying this much: I think that your assumptions with regard to the full reportage by the media of the personal conduct of people in public life gilds the lily unduly. Certainly you members of this committee are being subject to, subjected to scrutiny by the television and by the writing press to a degree and your conduct is being evaluated and measured in a way that seldom happens to a Member of the U.S. Senate or the Congress of the United States, and I think it is possible for some Members to exist under a, in a sheltered situation for years and years

and years here, and perpetuate themselves in office, so to speak, because you know and I know that the advantages are heavily in favor of the incumbent. You are in a position to favor reporters with stories and so on. It is an uphill struggle for someone to take on an incumbent U.S. Senator under any circumstances, and the press are not always as tough on others as they might be on the members of this committee in this setting.

So, I think you and I have a difference of opinion but I think that reasonable minds can differ on this subject particularly in the area of drinking, in the area of fitness of that kind to discharge the duties.

Now, certainly there are limits, and I would be the first to agree with you, that there are areas where, of subject matters that would be totally offensive to me as they would be to you, and I don't mean for a minute to contend for matters beyond those limits.

But I do think that that is one of the things that this whole proceeding is about, I think it's an attempt to try to define the lines within which an inquiry as to an incumbent, his life, his performance, his voting record, are subject to proper inquiry.

Senator WEICKER. I know, but if this is a matter of proper inquiry in the course of an election campaign, I mean why isn't it a proper, why isn't it proper inquiry as far as all Members of Congress are concerned insofar as the relationships between the executive branch and the legislative branch. Why not? Is this material, in other words, going to be used between the executive and legislative branches of the Government?

Mr. EHRLICHMAN. I don't think I understand.

Senator WEICKER. Well, you apparently consider it proper information to figure out to go ahead and win an election.

Is it proper information to dig out to go ahead and carry an issue?

Mr. EHRLICHMAN. You mean blackmail, no.

Senator WEICKER. I mean as between the executive and legislative branches of the Government.

Mr. EHRLICHMAN. In other words, you have a piece of information and you have a Congressman and you say Congressman——

Senator WEICKER. Yes.

Mr. EHRLICHMAN. No, it is not proper.

Senator WEICKER. In an election campaign?

Mr. EHRLICHMAN. I think it is proper to provide legitimate facts to an electorate that bear on the fitness of an incumbent.

Senator WEICKER. Of course, what you are saying and where we disagree and I want to make this clear, Mr. Chairman, if any other member of the committee wants to comment now I don't think anybody realizes what is being done here right now. You definitely have two different concepts of politics in this country meeting head on.

Mr. EHRLICHMAN. I might say, Senator——

Senator WEICKER. Let me finish and then I will be glad to go ahead and listen to you.

Mr. EHRLICHMAN. Pardon me, surely.

Senator WEICKER. I always thought we settled these matters on the basis of issues, on what you stood for, on a public stance that your opponents took that was a bad stance, how you can present yours, how you move around in a campaign, but to sit here at this moment in

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time and tell me that we are going to settle our elections on the basis of sexual habits and drinking habits and domestic problems and personal and social activities.

Well, I tell you, you stick to your version and I am going to stick to mine.

Mr. EHRLICHMAN. Senator, I was going to say in what we have asked the FBI to do, to determine the fitness of an individual for appointment to the executive branch to the Cabinet, the sub-Cabinet, to the agency positions and so on, these kinds of questions of fitness, drinking habits, habitual intoxication, immorality, are all considered to be important questions to ask and to settle upon, and the review as far as I know in the selection of people in this administration has been very rigorous and the standards have been very high.

Senator WEICKER. No. 1, please don't put the FBI in the same category as Mr. Ulasewicz. Now, I just don't think it is a fair comparison at all. I think these are two entirely different entities. I am proud of the Federal Bureau of Investigation.

Mr. EHRLICHMAN. The subjects are the same, Senator.

Senator WEICKER. I might add you keep on talking about the enormous advantages an incumbent enjoys. May I point out according to your theory the President was the incumbent. He was the incumbent.

Mr. EHRLICHMAN. Please don't misunderstand me, I think an incumbent President has an enormous advantage.

Senator WEICKER. Yes, but this one not only had an enormous advantage but apparently you went around and had this type of information handed to him which added to the advantage that he had. I would say made him rather unbeatable.

Well, in any event let's leave that subject for the time being, although I find it unbelievable.

Yesterday, in response to a series of questions concerning the need for the Plumbers you stated as follows:

And I assure you that the decision that was made in this matter to put investigators in the field was taken most reluctantly and for genuine purposes and the purposes are simply to supplement what was considered to be an inadequate effort at the time by the Federal Bureau of Investigation.

Now, in order to satisfy yourself on this you ought to hear from Mr. Mitchell.

That was your response, you will find that incidentally, counselor, if you have the transcript, on page 5535 of yesterday's testimony.

Now, in order for you to satisfy yourself on this you ought to hear from Mr. Mitchell.

We have already heard from Mr. Mitchell and he testified before this committee that the first that he had heard of the White House horrors, the Plumbers operation was on June 21, 1972. This was after he left as Attorney General. Is Mr. Mitchell lying?

Mr. EHRLICHMAN. As I said in my testimony the other day, Senator, Mr. Mitchell's recollection here is evidently hazy because the President authorized the creation of this unit on July 24, and asked that we meet with several members of the Cabinet.

Senator WEICKER. July 24, 1971?

Mr. EHRLICHMAN. Yes, sir. To meet with several members of the Cabinet whose departments would be the subject of the special unit's stimulation, so to speak, to get them to perform better in this area of

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assignments, decide what should be looked into. Everyone else is fully occupied with his own area of responsibility.

Thus, the counsel is a vital link in a chain of delegation. In my view, one in that position must bring to the job sufficient training and experience to know what to do and when to do it.

The counsel also has and has had political duties. The President is the Nation's Chief Executive. But he is also, by longstanding tradition, his political party's leader. Any President has a political role to play, whether he is going to run for reelection or not. But if he is a candidate, then he is both an Executive and a practicing politician. Every such politician wants information. And the President, in his politician role, is no different from the others. He needs and wants information about issues, supporters, opponents and every other political subject known to man.

For the year 1969 to 1970, when I left the post of counsel, I attempted to gather some purely political information for the President, as I was expected to do. Out of real concern for the proprieties, I attempted to use only conventional, nongovernmental sources of information. As one might hire political aides in a political campaign, Tony Ulasewicz was hired to do this chore of information gathering. He was paid from existing Nixon political money, by check, under an appropriate employer's tax number. Among other assignments, he scouted the potential opposition for vulnerability. So far as I am aware, during my tenure as counsel, Mr. Ulasewicz conducted his assignments legally and properly in all respects.

#### THE OFFICE OF THE PRESIDENT

To meaningfully answer the question, "What did the President know?" one should have a clearer picture of what the President really does.

One witness here suggested that we define the Presidency in constitutional terms. But the true, up-to-date picture will not alone be found in the pages of the Constitution, nor even in the modern textbooks on civics and Government. Obviously, he is the Chief Executive, responsible for the administration and operation of the departments and agencies and bureaus and offices of the executive branch, with their millions of employees and billions of dollars of spending.

And, of course, his duties include the conduct of the Nation's foreign policy in a troubled world. He is Commander in Chief of the Armed Forces, frequently works with the Joint Chiefs of Staff on a personal basis, sits with the National Security Council and the military intelligence gatherers for hours at a time, makes the decisions on defense strategy and is responsible for its long-range planning.

He must also submit the Nation's multibillion dollar budget to the Congress every January, covering every activity of the Federal Government in great detail. That is sheer month-by-month drudgery for the President involving decisions that really cannot be delegated to anyone else, and work that is never really done.

All of this is known to most citizens and surely to the distinguished Senators of this committee.

I am sure you also realize the Presidency has been dramatically changed in recent years by the increasing complexity of the Nation's

specific individuals. And as I can best recall this conversation, I was a little perplexed on this because I did not know these people at all. And it is——

Mr. DASH. Did you know Fred LaRue?

Mr. KALMBACH. Well, I, of course, knew Fred LaRue but casually. But as to how to distribute these funds—then again, my best recollection is that he indicated at that point that perhaps Mr. Ulasewicz might be the one to act as the distributor for the funds.

Mr. DASH. Is this Tony Ulasewicz?

Mr. KALMBACH. Yes, sir, it is.

Mr. DASH. Is that the Tony Ulasewicz who has testified before this committee before?

Mr. KALMBACH. It is.

Mr. DASH. Did you know Tony Ulasewicz?

Mr. KALMBACH. Yes, I did.

Mr. DASH. Had you worked with him in the past?

Mr. KALMBACH. I had met with him two or three times total from mid-1969 until approximately October 1, 1971, and I had three conversations, two or three conversations, during that period.

Mr. DASH. Did you have confidence that Mr. Ulasewicz was the kind of person who could be useful in this kind of assignment?

Mr. KALMBACH. Well, I knew that he had been acting and undertaking assignments for the White House for that period and I certainly knew that he had the confidence of whoever it was that he was working with, and when he mentioned Mr. Ulasewicz as someone to do this, I said that I would, I certainly would have confidence in him.

Mr. DASH. Did you know whether or not—did you know what kind of assignments he had undertaken for the White House before?

Mr. KALMBACH. No, sir; I did not, Mr. Dash.

Mr. DASH. But you knew that he would be somebody that you could have confidence in?

Mr. KALMBACH. Well, I knew that he was a retired New York City police officer who was competent and I was certain that he was someone that could be trusted and I would be——

Mr. DASH. Who other than Mr. Dean were you thinking of when you say they would have confidence? Did you mean Mr. Haldeman?

Mr. KALMBACH. Well, whoever he was talking for. He was using the editorial "we" all the time.

Mr. DASH. Well, if he was talking for anybody over in the White House, who did he work with most often, to your knowledge?

Mr. KALMBACH. Mr. Dean?

Mr. DASH. Yes.

Mr. KALMBACH. Well, he worked with practically everyone in the White House. But, of course, principally——

Mr. DASH. Who above him?

Mr. KALMBACH. He reported to Mr. Ehrlichman. And he also worked closely with Mr. Haldeman. He did not mention their names in this conversation.

Mr. DASH. Have you ever been given any other assignment of this nature in the past?

Mr. KALMBACH. No, sir.

Mr. DASH. After meeting with Mr. Dean, what did you do? Did you indicate, first, that you would accept this assignment from Mr. Dean?

Mr. KALMBACH. I did.

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Mr. SUTTER. I do. Mr. Chairman, I am sure much to the relief of the committee Mr. Ulasewicz does not have a prepared statement he desires to read. He is here merely for the purposes of answering questions from the committee and I should like the record to indicate that he appears pursuant to a subpoena issued by the committee dated April 30, 1973, and served upon him on or about May 8, 1973. Thank you, sir.

Mr. LENZNER. Thank you, Mr. Sutter.

Mr. Ulasewicz, you testified here about your relationships with Mr. Caulfield in making contact with Mr. McCord. I just want to go back and ask you, were you contacted originally by Mr. Caulfield in February of 1969 with reference to doing some investigative work?

Mr. ULASEWICZ. Yes, I was.

Mr. LENZNER. I understand the committee is not going to inquire into that area in any detail at all today but I do want to ask just two other background questions: First, were you also interviewed by Mr. John Ehrlichman in May of 1969 at the VIP lounge at LaGuardia Airport?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. And in June of 1969 did you meet Mr. Herbert Kalmbach here in the District of Columbia?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Now, on or about June 28, 1972, did you receive a call from that same Mr. Kalmbach?

Mr. ULASEWICZ. Yes, I believe it was on the 29th of June.

Mr. LENZNER. And could you tell us what he said to you and what you said to him?

Mr. ULASEWICZ. Mr. Kalmbach asked me to come down to Washington the next afternoon, that he wanted to speak to me regarding an assignment.

Mr. LENZNER. And did you agree to do that?

Mr. ULASEWICZ. Yes, I did.

Mr. LENZNER. Did you see him the next day?

Mr. ULASEWICZ. I did.

Mr. LENZNER. Where was that, sir?

Mr. ULASEWICZ. It was in the Statler-Hilton Hotel in his room.

Mr. LENZNER. Can you tell us what he said to you at that time and what you said to him?

Mr. ULASEWICZ. Mr. Kalmbach advised me that he had a very important assignment, and he went at least three times over the statement, saying that it was a situation that developed that he was asked to do something and needed my help in doing it. He said that it was legal, that it was to provide funds for persons in difficulty for payment of their counsels, and for payment to assist their families during some troublesome period. He repeated the statement several times. He was very ill at ease, very nervous and we got to the point where I said, "Well, Mr. Kalmbach just what is this now" and he says, "I have guessed it, it's the Watergate situation."

Mr. LENZNER. Mr. Ulasewicz, let me just interrupt—would you put the microphone more directly in front of you please, thank you.

Mr. ULASEWICZ. And he said, "It's the Watergate situation. I guess you have guessed that," and I said "Yes, sir." and he said "Well, again, let me assure you I would not in any way or fashion ask anyone to do anything that I would not engage my own services in. It is an assignment for me and I am asking you to do this. It will necessitate confi-



Mr. SHURE. And that you were in fact interviewed by Mr. John Ehrlichman?

Mr. ULASEWICZ. That is correct.

Mr. SHURE. What role did Mr Kalmbach play in your prior employment with regard to these discreet investigations?

Mr. ULASEWICZ. I met with him to discuss the arrangements to pay me. I was on Mr. Kalmbach's payroll.

Mr. SHURE. So, in other words, Mr Kalmbach's role prior to the events which you have just described really was just as a conduit for payment to you for the services that you were rendering to Mr. Caulfield and Mr. Ehrlichman; is that not so?

Mr. ULASEWICZ. That is a fair statement.

Mr. SHURE. And did Mr. Kalmbach ever order you to conduct any investigations?

Mr. ULASEWICZ. No.

Mr. SHURE. So that, when he called you on the 29th, this was the first time that he really asked you to get involved in anything by way of activity?

Mr. ULASEWICZ. That is correct.

Mr. SHURE. Now, did you check with Mr. Caulfield and find out whether or not Mr. Kalmbach was operating with any authority?

Mr. ULASEWICZ. No; Mr. Kalmbach had received my telephone number from Mr. Caulfield, but I did not discuss it with Mr. Caulfield in any way.

Mr. SHURE. Did Mr. Caulfield inform you that he had given Mr. Kalmbach your number?

Mr. ULASEWICZ. At a subsequent time. I do not know if it even came up, but nothing was relative to me about that.

Mr. SHURE. But at the period of time in terms of the 28th or 29th of June 1972, you merely relied on Mr. Kalmbach's statement?

Mr. ULASEWICZ. Only Mr. Kalmbach, correct.

Incidentally, I may say another conversation that occurred, recalling as you are asking me—in that room with Mr. Kalmbach, also, one of his instructions was that I discuss it absolutely with no one. And when we got into it later on the telephone, to make sure of that, I said to Mr. Kalmbach—at one point he asked me how I would be delivering the money or how the undertaking would go on—I said to Mr. Kalmbach, it would be better if you did not know what manner or method I am going to use to distribute it. I understand what you want and I am going to deliver it to the best of my ability, but I do not think you should know. I told him something like Washington would be a sieve. If it leaks out what I am doing, you would certainly always feel that I failed in your trust. I said as far as your situation, whatever your contact is, I will not know it and you will never accuse me of leaking out something I do not know.

Mr. SHURE. Then can I assume by your statement that you did not discuss this activity with Mr. Ehrlichman either, is that correct?

Mr. ULASEWICZ. Absolutely not.

Mr. SHURE. Obviously, this was an unusual activity, was it not?

Mr. ULASEWICZ. Well, depending on who was doing it. To me it was not unusual. It was just another assignment.

2272

Mr. ULASEWICZ. Correct, sir.

Senator WEICKER. You were paid a salary from May of 1969 to December of 1972?

Mr. ULASEWICZ. July of 1969.

Senator WEICKER. July of 1969 to December 1972, correct?

Mr. ULASEWICZ. 1972 December would be correct; yes, sir.

Senator WEICKER. You were paid \$22,000 per year, is that correct?

Mr. ULASEWICZ. That is correct. Last year was \$2,000 per month, was \$24,000 in the final year.

Senator WEICKER. And expenses, isn't that correct?

Mr. ULASEWICZ. And expenses, yes, sir.

Senator WEICKER. Could you indicate to me the amount of the expenses per year?

Mr. ULASEWICZ. Roughly about \$1,000 a month.

Senator WEICKER. Somewhere in the neighborhood of \$12,000 per year in addition to the \$22,000 salary?

Mr. ULASEWICZ. That is correct, sir.

Senator WEICKER. And this payroll was the payroll of Mr. Kalmbach's law firm?

Mr. ULASEWICZ. That is correct.

Senator WEICKER. And your instructions with the exception of the moneys that you discussed this morning relative to the defendants, the Watergate defendants, your instructions came from Mr. Caulfield?

Mr. ULASEWICZ. That is correct.

Senator WEICKER. And you knew that Mr. Caulfield was in the White House?

Mr. ULASEWICZ. Yes, sir.

Senator WEICKER. So that in effect you were paid by Mr. Kalmbach, your instructions came from the White House?

Mr. ULASEWICZ. Correct, sir.

Senator WEICKER. Now, I would like to, if I could, try to get into the general nature of the investigations, the other investigations, which you conducted. Is it a fact that these investigations or some of these investigations, were background checks on individuals intended to develop questionable facets of the personal lives of these individuals?

Mr. ULASEWICZ. That is correct, sir.

Senator WEICKER. Now, when we are talking about questionable facets, would this include sexual habits?

Mr. ULASEWICZ. These were allegations and that might be included in the category, I guess.

Senator WEICKER. That would be included in the category. Drinking habits?

Mr. ULASEWICZ. Yes, sir.

Senator WEICKER. Domestic problems?

Mr. ULASEWICZ. Yes, sir.

Senator WEICKER. Personal social activities?

Mr. ULASEWICZ. Yes, sir.

Senator WEICKER. These background checks, is there any other, let me ask you the question, is there any other, general category which you would assign to these background checks?

Mr. ULASEWICZ. Yes; there would have been backgrounds on various other individuals, corporations, organizations, and any allegations, and allegations concerning political figures.

Senator WEICKER. All right, I haven't gotten into asking you the question as to who you perform these checks on. I am just trying to get at the nature of the investigation and I think we have checked out domestic problems, their drinking habits, personal social activities, sexual habits.

Is there any other type of activity which was investigated relative to any corporation or individual?

Mr. ULASEWICZ. No; it would depend on the allegation—would depend on the degree of investigation. There wasn't a complete investigation on any one person with all those titles involved. Sometimes it was an allegation of drinking or what it might be and I might just keep my investigation to that particular category.

Senator WEICKER. Now, can we categorize in a general way those individuals or corporations that were investigated by you? Were potential political opponents of the President so investigated?

Mr. ULASEWICZ. Yes, sir.

Senator WEICKER. Were other political figures, aside from potential political opponents of the President investigated?

Mr. ULASEWICZ. Probably, yes, sir.

Senator WEICKER. And were the individuals in this category—were they entirely background checks prior to employment or was it for some other reason?

Mr. ULASEWICZ. Some would be prior to employment and some would be as a result of an allegation in a newspaper or something of that type.

Senator WEICKER. Did you ever file your investigations in a written form?

Mr. ULASEWICZ. No, sir.

Senator WEICKER. Why not?

Mr. ULASEWICZ. When I took the assignment it was set up that I would report directly and verbally. I was to keep no files.

Senator WEICKER. Did you at any time conduct any electronic surveillance on any individual, either in the form of the bug or the tap?

Mr. ULASEWICZ. No, sir.

Senator WEICKER. Were your investigations, or were these investigations intended to develop lists of contributors to political candidates?

Mr. ULASEWICZ. Yes, sir.

Senator WEICKER. Now, how would you go about this problem? You are trying to develop a list of potential political contributors. What do you investigate to develop a list?

Mr. ULASEWICZ. Well, in fact, the assignment would be given to me in a manner that, to limit the lists, for instance, to those on file here in the Senate and to get the papers that were filed concerning their contributors. I was never asked to go out and get a list right from the start, for instance, I was not asked to get a list of contributors. I might be told, go up to the Senate, go to the Senate office. I might get a list of 10 or 12 contributors, if they had such a thing. I would get the list of people who contributed.

In other instances, I might go to the State Capitol and go into the public office and ask, are these records public, are they available and they would give them to me. Sometimes they were filed by the candidate.

At times, I would go into the candidate's office and get the list, how much was contributed and peruse the matter.

Senator WEICKER. So actually, this compiling of the list was done entirely through public records?

Mr. ULASEWICZ. Yes, sir.

Senator WEICKER. Now, let us get back to the individuals you investigated. How was it possible to get into the matters of domestic problems, drinking habits, social activity and sexual activity, just from a matter of public record?

Mr. ULASEWICZ. Well, the allegation would first cause—the incident would first have had to occur when I received the investigation. If it was an allegation of, a drinking allegation, we might take, I would then develop that lead by reading what the allegation was, going into the area in the most discreet manner that I would know how, and I did so for several years. And I would develop whether it happened or not and a very high percentage of these allegations were false. But I would develop my leads by interviewing bartenders, patrons, whatever time it might take, how long—if it were a hotel, hotel employees, waiters. Those kind of people are the most talkative.

Senator WEICKER. So in these situations, the information sought was not necessarily a matter of public record?

Mr. ULASEWICZ. That is right.

Senator WEICKER. It could have been a matter of personal interview.

Mr. ULASEWICZ. Correct, sir.

Senator WEICKER. We have now got potential political contributors, we have potential political opponents of the President, we have other political types. What other types of individuals did you investigate? Again, in the categories?

Mr. ULASEWICZ. They might be members, might be members of a political family. It might be a son or a nephew or something of that type, perhaps an allegation of some possible misconduct, and I would go out on it to see whether or not it was true and develop it and return and give my report. That would likewise be done by going into the area, possibly making my own observations, interviewing people that might be familiar with the circumstances, the surroundings. I would determine habits, et cetera.

Also, in many instances, another category were persons seeking, who would be probably seeking visits to the White House or something of that type. They might want to know if it was a large group, they might want to know the political affiliations. That would be the registration records that would be concerned and I would go out and look at the public records for their registration, what party records there are prior to them coming in.

Senator WEICKER. All right. Any other categories such as groups oriented toward a particular philosophy or politics?

Mr. ULASEWICZ. In the outset of my investigations, early in the outset, when we were going over the problems with dissident groups within, picketing here at the White House and relatively, I had left from my experience in the police department, I might follow up on that. But that gradually phased out.

Senator WEICKER. So in fact, Mr. Ulasewicz—let me ask you this. Is there anything else—I do not want to cut you off in any way here;

Senator BAKER. According to my—I have a copy of the transcript of your previous testimony, page 702, which we will supply you. It indicates that it was your thought that it was Mr. Ehrlichman who was originally responsible for your being hired?

Mr. ULASEWICZ. Yes; he interviewed me for the position; right. But the original contact for me to take this assignment came from Mr. Caulfield. Mr. Caulfield was not in a position to hire me or pay my salary.

Subsequently, a meeting was arranged where I would be interviewed about the job by Mr. Ehrlichman.

Senator BAKER. And that in fact happened?

Mr. ULASEWICZ. That happened. And following that, the acceptance of me, I was interviewed by Mr. Kalmbach in order to set up my pay, and so forth.

Senator BAKER. Did Ehrlichman describe to you the type of your probable assignments if you were in fact hired?

Mr. ULASEWICZ. There was only, the conversation included, regarding my work, confidential investigations that might come from time to time of any type and that it was on a trial basis to see how it would work out.

Senator BAKER. Surely he described to you what he meant by confidential investigations?

Mr. ULASEWICZ. Yes, sir. He mentioned that there would be some, some would be political figures of Republican or any other party, Democratic Party. There would be backgrounds on persons who may be, or want to become visitors to, persons who may be sought for appointment to jobs, positions within the Government, types of investigations that they might not want a public, say an agent or a bureau or the Secret Service or somebody of that type, because a record would be made and they may have a background on such a person. And I would say that is about the general theme of that conversation.

Senator BAKER. That is a great deal. You have told us everything except—

Mr. ULASEWICZ. We, he did not actually go into all that, but that is what it meant to me.

Senator BAKER. Did he name names of people he wanted to look into or investigate or—

Mr. ULASEWICZ. No, sir.

Senator BAKER. Did you later undertake such investigations?

Mr. ULASEWICZ. Yes, sir.

Senator BAKER. Can you tell us of whom and about what?

Let me say this, Mr. Chairman. It is my understanding that Mr. Ulasewicz will once again return for further testimony in another category of testimony.

Mr. ULASEWICZ. That is correct.

Senator BAKER. So we will abbreviate this inquiry at this point, with the full understanding that we can pursue that aspect of it later.

But back on the matter of who hired you and for what purpose. It is your clear understanding that Mr. Ehrlichman was the one who finally passed on your appointment?

Mr. ULASEWICZ. Correct, sir.

[The documents referred to were marked exhibit No. 34-3.\*]

Mr. DEAN. Mr. Malek was to take charge and Mr. Haldeman was to be brought in as the "Lord High Executioner" when a leak was uncovered. The committee will note from the documents I have submitted, this project was to complement and not compete with the plumbers. To the best of my knowledge this project never uncovered the source of a single leak.

I shall turn now, pursuant to the committee's request of me, from leaks to the matter of political intelligence, with the hope that my voice will hold up through this entire statement.

#### INTEREST IN POLITICAL INTELLIGENCE

The pre-reelection White House thrived on political gossip and political intelligence. I knew of the type of information they sought even before I joined the White House staff. During the summer of 1969, while I was working at the Justice Department, the then Deputy Attorney General, Richard Kleindienst, called me into his office and told me that the White House wanted some very important information. Mr. Kleindienst instructed me to call Mr. DeLoach, then Deputy Director of the FBI, and obtain from him information regarding the foreign travels of Mary Jo Kopechne. I was told that Mr. DeLoach would be expecting a call from me and once I had the information in hand, I was to give it to Jack Caulfield at the White House.

This incident stuck in my mind because of the rather sensitive nature of the information being obtained from the FBI and the fact that I was made the courier of the information.

To this day I can only speculate that I was asked to convey the information so that others could deny they had done so should the matter become known.

It was not until I joined the White House staff and Caulfield was placed on my staff that I learned that Caulfield was assigned to develop political intelligence on Senator Edward Kennedy.

Mr. Caulfield told me that within some 6 hours of the accident at Chappaquiddick on July 18, 1969, he had a friend named Tony on the scene, who remained on the scene conducting a private investigation of the matter and reporting pertinent information back to him. It was not until this spring that I knew or could remember Tony's full name—Anthony Ulasewicz. Caulfield told me that Mr. Ulasewicz posed as a newspaper reporter, and always asked the most embarrassing questions at any press gathering related to the Chappaquiddick incident. Caulfield also informed me that his instructions were to continue surveillance of Senator Kennedy and that he was doing so on a selected basis. I was told by Caulfield that although he had been assigned to my staff that he would continue to perform various intelligence gathering functions assigned to him by Mr. Ehrlichman or Mr. Haldeman.

I recall only once becoming involved in Mr. Caulfield's activities relating to Senator Kennedy. That occurred in the fall of 1971 when I received a call from Larry Higby, who later—and I can say later these talks were followed up with Mr. Strachan, who told me that

\*See p. 1111.

Haldeman wanted 24-hour surveillance of Senator Kennedy and regular reports on his activities. I passed this on to Caulfield and we discussed it. He told me that he thought that this was most unwise because it would require several men and also could uncover his activities in that Senator Kennedy was bound to realize he was under surveillance and given the fact that it could easily be misinterpreted as someone who was planning an attack on his life, and the police or the FBI might be called in to investigate. I agreed fully with Caulfield. After some initial resistance, I convinced Higby that it was a bad idea to have a day-in-and-day-out surveillance and it was called off. Instead, Caulfield was to keep a general overview of Senator Kennedy's activities and pursue specific investigations of activities that might be of interest.

Caulfield seldom informed me of his findings, but occasionally he would bring matters to my attention. For example, Caulfield was instructed to investigate Senator Kennedy's visit to Honolulu in August 1971. I have submitted to the committee a copy of his report, which he passed on for me to see, along with several followup memorandums relating to the visit.

[The document referred to was marked exhibit No. 34-4.\*]

Mr. DEAN. Political intelligence often came from unexpected sources. For example, during this last spring of 1972, a top man at the Secret Service brought me information regarding Senator McGovern. I asked Mr. Colson if he were interested. He was very interested and had the information published.

f. Colson Ing. 666  
NHqs 306  
2-3 W 1071 ?

The persons on the White House staff who were most interested in political intelligence were Ehrlichman, Haldeman, and Colson. As the reelection campaign drew closer, I would have to say that it was principally Colson and sometimes Haldeman who sought information from my office that had political implication to it. While I have been unable to make a complete review of my office files to document the many types of inquiries, I do have some documents that evidence a fair sampling of the type of requests that were frequently made of me and how they were handled by my office. The documents are extremely sensitive and could be injurious to innocent people whose names are mentioned in them. Accordingly, I have submitted them for the committee's use, and I am prepared to answer any questions the committee may have regarding these documents.

[The documents referred to were marked exhibit No. 34-5 for identification only and are not for publication.]

Mr. DEAN. In addition to the rather wide ranging types of inquiries evidenced by the documents I have just referred to, and in addition to the extensive efforts to obtain politically embarrassing information on Senator Kennedy, there were also frequent efforts to obtain politically embarrassing information on Mr. Lawrence O'Brien, the Democratic National Committee chairman, Senator Muskie, and Senator McGovern. While the involvement of my office in seeking such information was peripheral, I have submitted to the committee records and documents which show the efforts of the White House to politically embarrass those individuals.

[The documents referred to were marked exhibits Nos. 34-6, 34-7, and 34-8 for identification only and are not for publication.]

\*See p. 1117.

Mr. DEAN. Again, because of the very sensitive nature of information contained in these documents, and the problems that information might unfairly cause those individuals, I shall not discuss the documents further, other than to point out to the committee that the interest in Mr. Larry O'Brien dates back, from my records, to the time I first joined the White House staff in July 1970, while the interest in Senators Muskie and McGovern developed as the reelection campaign developed.

I would now like to turn to a political intelligence and security plan that was designed for the campaign, but ultimately was rejected.

#### OPERATION SANDWEDGE

While Caulfield was a member of my staff, the use of Mr. Ulasewicz slowly diminished, in that I had no need for such investigative work, and I only requested Caulfield to obtain investigative information when someone else on the staff requested it. While I did try to find assignments for Caulfield that related to the work of the counsel's office it was difficult in that he was not a lawyer.

Mr. Caulfield was aware of this situation and in the spring of 1971 he came to me and told me that he was thinking of leaving the White House staff and establishing an investigative/security consulting corporation. He felt that there was a need and a market for what he described as a "Republican intertel"—Intertel being a firm being a long established firm that has been in existence working in this field. He told me that he could have a going concern by campaign time and that his firm could provide investigative/security assistance to the campaign.

We casually discussed this on several occasions. The basic and initial concept he had developed was an operation that could be funded by contracts with corporations. Mr. Caulfield's firm would provide services for these corporations, but it would also provide free services to the 1972 reelection campaign. I recall telling Caulfield that I could not help him in the intelligence field because I did not have any expertise in the area but I advised him that he should work with a lawyer in developing the concept he had outlined to me because it was fraught with legal problems. For example, I told him corporations are prohibited under Federal law from making direct campaign contributions.

Shortly after these conversations, Caulfield informed me that he had formed a group to develop a plan to submit to Mr. Ehrlichman, Mr. Haldeman, and Mr. Mitchell. The planning group intended to become the principal officers of the corporation once it commenced its activity. Caulfield and the group spent several months developing their plans and in early August or September of 1971 Caulfield brought me a copy of a memorandum entitled Operation Sandwedge and told me he was seeking a meeting with Mr. Ehrlichman to discuss the matter and requested that I assist him in getting a meeting with Mr. Mitchell. I do not know if Mr. Caulfield met with Mr. Ehrlichman. If he did, I was not present and have no knowledge of the meeting.

I read the memorandum and found it to be a privately operated extension of the types of things that Caulfield had been performing for Ehrlichman. I returned the memorandum to Caulfield and told him I would raise it with Mitchell. To the best of my recollection Opera-



1 it was a silly idea was the reason that the --

2 Mr. Caulfield. It was made in strong terms to Mr. Dean  
3 verbally, and I think it's a matter of record.

4 Mr. Lackritz. All right. Prior to 1971, had you been  
5 asked to conduct any inquiries into any matters concerning  
6 Senator Kennedy?

7 Mr. Caulfield. Yes, in 1969 there was a request to have  
8 the facts surrounding Chappaquiddick determined by Mr. Ulasewicz,  
9 directed by Mr. Ehrlichman through me, to have Mr. Ulasewicz  
10 conduct an inquiry surrounding the incident at Chappaquiddick.

11 Mr. Lackritz. I see. And was this on the occasion of the  
12 hiring of Mr. Ulasewicz?

13 Mr. Caulfield. Yes.

14 Mr. Lackritz. That was the first investigation Mr. Ulasewicz  
15 was asked to conduct?

16 Mr. Caulfield. That's correct.

17 Mr. Lackritz. Do you recall how Mr. Ulasewicz was reporting  
18 back to you on the progress of the investigation?

19 Mr. Caulfield. Verbally.

20 Mr. Lackritz. And were these verbal reports subsequently  
21 typed up in memoranda form?

22 Mr. Caulfield. Only if there was any matter of significance  
23 involved, and I don't think there were very many reports.

24 Mr. Lackritz. Do you recall Mr. Rebozo coming to Washington  
25 D. C. during this investigation of the Chappaquiddick incident?

1 discussing Mr. Ulasewicz with Miss Woods.

2 Mr. Lackritz. Did you ever go to her to ask her for infor-  
3 mation for the purpose of -- in pursuit of an investigation that  
4 you were conducting?

5 Mr. Caulfield. The only thing that I can recall in that  
6 context was one time there was concern for the whereabouts of  
7 young Donald Nixon and if I am not mistaken, I think we discussed  
8 his whereabouts and if I am not mistaken, Mr. Ehrlichman had  
9 asked if Mr. Ulasewicz could determine where young Donald Nixon  
10 was. And I think that she had some information indicating that  
11 he might have been out in California and I discussed with her the  
12 details that she had, so that Mr. Ulasewicz's job might be easier  
13 in locating young Donald Nixon.

14 Mr. Lackritz. Did you explain to her the purpose for you  
15 asking this information?

16 Mr. Caulfield. I don't understand the question.

17 Mr. Lackritz. Did you say, I need this information because  
18 I am trying to find him and get him out of trouble, or did you  
19 tell her that you understood that he was in some trouble, or did  
20 you explain to her any of your reason for wanting to know his  
21 whereabouts?

22 Mr. Caulfield. I do not recall specifically, but if Mr.  
23 Ehrlichman had asked me to locate young Donald Nixon and Rose  
24 Woods had some information as to where he might be, I would have  
25 explained that to her in order to more quickly get to the bottom

17. On or about November 1, 1969 Attorney General Mitchell requested the FBI's views as to the type of coverage to be used on Joseph Kraft. The Domestic Intelligence Division of the FBI recommended "spot" physical surveillance and a survey to determine the feasibility of a telephone wiretap. Subsequently Director Hoover sent to the Attorney General a request that the wiretap be authorized. The spot physical surveillance was initiated on or about November 5, 1969, and continued until December 12, 1969, when it was discontinued as unproductive. The Attorney General never signed an approval of the wiretap and therefore, at that time, no wiretap was instituted.

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17.1 Summary of FBI file on Joseph Kraft wiretap, June  
1973, prepared by House Judiciary Committee staff.... 356

17.1 SUMMARY OF NOTES OF FBI FILE ON JOSEPH KRAFT WIRETAP, JUNE 1973

Sensitive FBI documents dealing with the wiretap of Joseph Kraft examined by the House Judiciary Committee disclosed that the FBI has no record that a wiretap of Joseph Kraft was ever conducted by the FBI itself. The FBI records disclose that the FBI did have information that in 1969 John Ehrlichman had directed a wiretap on Kraft that was installed while Kraft was on vacation. The wiretap was removed before his return, and John Caulfield, who installed the tap, assumed that the "bug" was removed because the White House had convinced the FBI to take over the tap.

The FBI documents also contain 19 pages of recorded material from microphone coverage of Kraft in a foreign country. The records indicate that Assistant FBI Director William Sullivan, apparently with the knowledge and consent of Director Hoover, traveled to the foreign country and arranged for microphone coverage of Kraft's hotel room through local authorities.

The FBI documents also show letters from the FBI to John Ehrlichman concerning this wiretap dated July 15, 1969 and November 7, 1969. A copy of the November 7 letter was also sent to Attorney General Mitchell.

Consideration was given to installing a wiretap on Kraft in the United States, but due to failure of the Attorney General to provide written approval, a tap was never installed.

A memorandum from William Sullivan to Assistant FBI Director C.D. DeLoach, dated November 4, 1969, discussed the Attorney General's request for coverage on Kraft. The Attorney General had asked for the FBI's views as to the most effective type of coverage. The FBI had responded that close physical surveillance of Kraft was too dangerous, but that a selective spot surveillance in the evenings to check on his social contacts would be safe and productive. The FBI was directed to study the feasibility of installing a wiretap on Kraft's telephone at his office and residence, but the Attorney General never signed an authorization, and the tap was not installed.

17.1 SUMMARY OF NOTES OF FBI FILE ON JOSEPH KRAFT WIRETAP, JUNE 1973

Sullivan sent a further memorandum dated December 11, 1969 reporting that the spot physical surveillance of Kraft had been unproductive from an intelligence standpoint, and recommending that it be terminated. Sullivan's memorandum further noted that the Attorney General had not responded to the FBI request for authorization of a wiretap, and that the matter should therefore be dropped. The spot physical surveillance was discontinued on December 12, 1969.



18. In or about January 1970 H. R. Haldeman and John Ehrlichman permitted the information contained in one of the summaries of the 1969-71 wiretaps to be used in connection with political action in opposition to persons critical of the Administration's Vietnam policy.

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18.1 Letter from J. Edgar Hoover to the President, December 29, 1969 (received from Department of Justice).....	360
18.2 Memorandum from Alexander Butterfield to Jeb Magruder, January 8, 1970 (received from Alexander Butterfield) and copy of Memorandum from Alexander Butterfield to Jeb Magruder, January 8, 1969 [sic] (received from Department of Justice).....	362
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18.4 Memorandum from Jeb Magruder to H. R. Haldeman and John Ehrlichman, January 15, 1970 (received from Department of Justice).....	365
18.5 Handwritten memorandum from John Ehrlichman to H. R. Haldeman, undated (received from Department of Justice).....	366
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OFFICE OF THE DIRECTOR



TOP SECRET

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

December 29, 1969

The President  
The White House  
Washington, D. C.

Dear Mr. President:

Previous communications have set forth information which we obtained from extremely sensitive sources concerning contacts made by N a former White House staff member who is now employed by

N was recently in contact with an unidentified individual who told N that he had received a call from Clark Clifford. Clifford is probably identical with the former Secretary of Defense. According to this individual he and Clifford discussed an article which Clifford may be preparing. He said that Clifford is concerned about "sharpening up his attack on Nixon" and that apparently he had obtained "old Nixon statements," one being to the effect that President Thieu is one of the five greatest men of our time. Another statement is that Vietnam is one of the finest hours in United States history. He said that Clifford felt that whether the article will be published will depend on what alternative he, Clifford, has to offer and that Clifford asked him what alternative he could offer. This unidentified individual did not indicate what he told Clifford.

This individual also wondered whether he could ethically go to a meeting with "Henry" today, December 29, 1969, to discuss the same subject, as L had told him "Henry" wants to see him then. He also told N that an article may appear in "Life" magazine which would be followed

TOP SECRET

Group 1

Excluded from automatic  
downgrading and  
declassification

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

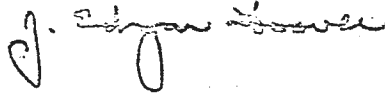


TOP SECRET

The President

by an interview of Clifford in "Time" magazine. Clifford then may appear on "Meet the Press." This individual then discussed the fact that he had to submit an outline of the article and an introduction to it to Clifford. He said that he had told Clifford that the main thrust of the article should be "everything out by the end of 1971," and that Clifford had not rejected this idea.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "J. Edgar Hoover". The signature is written in a cursive style with a large, stylized "J" and "H".

- 2 -

TOP SECRET

January 8, 1970

TOP SECRET

MEMORANDUM FOR: MR. MAGRUDER

FROM: ALEXANDER P. BUTTERFIELD

RE: J. Edgar Hoover's December 29th Letter to  
The President Concerning       ✓      and  
Clark Clifford

In response to your query, here are my initial thoughts on the matter:

- You should go -- first of all -- to Al Haig (not to    L      ) and find out who participated in Henry's December 29th meeting. If he had more than one group meeting on that day, you could say that it is your understanding that this particular meeting concerned Vietnam and options as to our future courses of action there.
- You should get ahold of the speeches or talks in which Mr. Nixon (the candidate) made the statements mentioned in the second paragraph ... in order to know and understand the context.
- The name of the game, of course, is to get ourselves springloaded to a position from which we can effectively counter whatever tack Clifford takes ... and it would appear that the memorandum you showed to me provides the basic framework for his plan.
- Al Haig can get you squared away on at least a preliminary scheme. We can build from there.
- Needless to say, this item is every bit as sensitive as the memorandum indicates.

TOP SECRET

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NOTE: THIS DOCUMENT WAS SUBMITTED TO THE HOUSE JUDICIARY COMMITTEE BY ALEXANDER BUTTERFIELD. IN HIS TESTIMONY BEFORE THE COMMITTEE ON JULY 2, 1974, MR. BUTTERFIELD IDENTIFIED THE DOCUMENT AS A TRUE COPY OF A MEMORANDUM WHICH HE SENT TO JEB MAGRUDER ON JANUARY 8, 1970, IN RESPONSE TO A QUESTION FROM MR. MAGRUDER.

THE DELETED PORTIONS OF THIS DOCUMENT WERE DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER OF THE COMMITTEE PRIOR TO PUBLIC RELEASE OF THE DOCUMENT. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATIONS.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 8, 1969

TOP SECRET

MEMORANDUM FOR: MR. MAGRUDER

FROM: ALEXANDER P. BUTTERFIELD

RE: J. Edgar Hoover's December 29th Letter to  
the President Concerning *N* and  
Clark Clifford

- It would be interesting to me -- first of all -- to go to Al Haig (not to *L* ) and find out who participated in Henry's December 29th meeting. If he had more than one group meeting on that day, you could say it is your understanding that this particular meeting concerned Vietnam and options as to our future courses of action there.
- I would want to get ahold of the speeches or talks in which Mr. Nixon made the statements mentioned in the second paragraph ... in order to know and understand the context in which the statements were made.
- Needless to say, this item is every bit as sensitive as the memorandum indicates.
- The name of the game, of course, is to springload ourselves to a position from which we can effectively counter whatever tack Clifford takes ... and it would appear that this memorandum provides the basic framework for his plan.

TOP SECRET

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NOTE: THIS DOCUMENT IS FROM THE FILES OF JEB MAGRUDER. ALEXANDER BUTTERFIELD, IN HIS TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE ON JULY 2, 1974, STATED THAT HE DID NOT WRITE THE MEMORANDUM AND HAD NEVER SEEN J. EDGAR HOOVER'S JANUARY 1970 MEMORANDUM TO THE PRESIDENT. THE DATE OF THE MEMORANDUM IS APPARENTLY A TYPOGRAPHICAL ERROR.

THE DELETED PORTIONS OF THIS DOCUMENT WERE DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER OF THE COMMITTEE PRIOR TO PUBLIC RELEASE OF THE DOCUMENT. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATIONS.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 12, 1970

MEMORANDUM FOR JEB MACGRUDER

FROM: JIM KEOGH JK

SUBJECT: The President's Remarks About Vietnam and  
President Thieu

On July 30, when the President was visiting United States troops at the headquarters of the First Infantry Division at Di An in Vietnam, he centered his remarks on the difficulties of the U. S. role in the war. In the course of these remarks, he praised the men for fighting on courageously despite divided opinion and a lack of understanding at home. He reaffirmed the American goal of bringing the war to an early end in a way that would enable the people of South Vietnam and of Asia to choose their own way and to have real peace. After commenting that this period of history probably will be remembered as the time when men landed on the Moon, he said: "But also out here in this dreary, difficult war, I think history will record that this may have been one of America's finest hours, because we took a difficult task and we succeeded."

The following day, chatting with reporters on Air Force One, as he flew toward New Delhi, the President discussed his visit to Vietnam and expressed new praise and support for the Saigon Government. So far as I know, there is no transcript of these remarks, so we have no precise record of the President's words. However, Max Frankel of the New York Times reported: "...He called Mr. Thieu probably one of the four or five best political leaders in the world." Don Oberdorfer of the Washington Post wrote that he called President Thieu "one of the four or five best politicians in the world." The Washington Star put it this way: "He described Thieu as a very capable guy, an excellent politician -- probably one of the four or five best in the world."

It seems to me that neither statement is particularly vulnerable when placed in context; the trouble is that they will be used out of context.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 15, 1970

1- Why CC to E?  
2- see notes  
3- let's act -

CONFIDENTIAL

MEMORANDUM FOR:

H. R. HALDEMAN  
JOHN D. EHRLICHMAN

FROM:

JEB S. MAGRUDER

RE:

Impending Article by Clark Clifford  
Against Our Policy in Vietnam

*we know this*  
J. Edgar Hoover's memorandum to the President regarding the potential problem that is developing with Clark Clifford has been checked out thoroughly. He is going to write an article for LIFE that will be published within the next month. As far as we know, it will be a very strong article against our policy in Vietnam, utilizing quotes and information he has regarding the President, and probably suggesting complete troop withdrawal by the end of 1970.

We are in a position to counteract this article in any number of ways. It has been suggested that the best approach would be to run a simultaneous article in LOOK about our success in Vietnam by someone like Dean Acheson. I have asked Al Haig to see if this could be done. There might be other people who could also write similar articles. I am thinking particularly of Sir Robert Thompson.

We could also be prepared to launch an effective counteraction if we felt it was warranted, by utilizing Administration spokesmen on television, by letters to LIFE relating the true context of the President's remarks, or by relating some of Clifford's activities to the press that would indicate the hypocrisy of his position. It has also been suggested that doing nothing might be the most effective response - *what about pre-action* *it might be afterwards depending on the effect - but the key now is how to lay groundwork.* We do not have much time to develop countermeasures of the type I have indicated unless it is decided to go ahead. Please give me your opinion *and he* as to the correct approach as soon as possible. *ready to go*

CONFIDENTIAL

*As well as to take all possible preliminary steps.*

E

THE SUMMER WHITE HOUSE  
SAN CLEMENTE, CALIFORNIA

H —

This is the kind  
of early warning  
we need more of.  
Your game  
planners are now  
in an excellent  
position to map  
anticipatory  
action —

A kindred  
question — what  
is the plan when  
the VC maul GVN

JOHN EHRLICHMAN  
forces for the first

THE SUMMER WHITE HOUSE  
SAN CLEMENTE, CALIFORNIA

Time And The  
Concept of  
"Vietnamization" is  
under heavy  
Attack?

Σ

JOHN EHRLICHMAN

THE WHITE HOUSE  
WASHINGTON

DATE \_\_\_\_\_

TO: 

FROM: BOB HALDEMAN

FYI \_\_\_\_\_ PLEASE HANDLE \_\_\_\_\_

PLEASE REVIEW AND SEE ME \_\_\_\_\_

OTHER:

*I agree with  
John's point.  
Let's get going.*





19. Until May 13, 1970 summaries of "top secret" wiretap material were sent by Director Hoover to the President and to Kissinger. After that date, following a meeting among the President, J. Edgar Hoover and Haldeman, the summaries were sent to Haldeman alone. According to the FBI, there were 37 letters to Kissinger between May 13, 1969 and May 11, 1970; there were 34 letters to the President dated from July 10, 1969 to May 12, 1970; there were 52 letters to Haldeman dated from July 10, 1969 to February 11, 1971; and there were 15 letters to Ehrlichman dated from July 25, 1969 to September 22, 1969.

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- 19.3 Memorandum from T. J. Smith to E. S. Miller, May 13, 1973, 1, 4 (received from Department of Justice) ..... 372

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

## Memorandum

TO : MR. W. C. SULLIVAN

DATE: 5/15/70

JUNE

FROM : R. H. HAYNES

DO NOT FILE

SUBJECT: TECHNICAL SURVEILLANCE REQUEST  
WHITE HOUSE

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	✓
Mr. Tavel	
Mr. Soyars	
Tele. Room	
Mr. Holmes	
Miss Gandy	

In accordance with the Director's meeting with the President on 5/13/70, the results of very sensitive coverage requested by the National Security Council were personally delivered by liaison to Mr. H. R. Haldeman on 5/14/70.

Haldeman advised Liaison Supervisor R. H. Haynes that this material, at the President's specific instructions, was to be handed to him personally, and in the event of his absence, it was to be given sealed to his Assistant, Lawrence M. Higby. He instructed Higby, in the presence of the Liaison Supervisor, that Higby was to hold it unopened for Haldeman.

Material previously furnished to General Haig for Dr. Kissinger would remain in that office. Haldeman advised that the material he receives would be kept in his personal safe in his office, and when he finished with specific items, he would return them to the Bureau through the same channels for destruction.

Haldeman stated that, in view of the fact that Kissinger would no longer be receiving this material, he would advise him on the evening of 5/14/70 of the President's instructions.

RHH:hke

ORIGINAL ONLY

✓  
OK-  
X

65-75075-182  
NOT RECORDED

JUN 6 1973

JUN 11 1973

Indistinct document retyped by  
House Judiciary Committee staff

14

Senator Case. He was the only one of those, if there were perhaps more than one but maybe not, tapped the longest, I guess, from the 4th of May 1969 to the 10th of February 1971.

Mr. Kissinger. Senator, I never had any knowledge of when a tap was terminated. The only knowledge I would have of the continuation of taps would be if I received reports, I would receive reports in turn only if they contained national security information and after, I think, May 1970 I received no reports at all so that I would not know when a tap was terminated. That was done by a decision that I was not involved in.

Senator Case. But your general recollection of it is that

Q was not out in front as far as you were concerned here.

Mr. Kissinger. That is my recollection. And that is my knowledge unless there was a program before I was informed.

Indistinct document retyped by  
House Judiciary Committee staff

NOTE: THE DELETED PORTIONS OF THIS DOCUMENT WERE DELETED BY THE CHAIRMAN AND RANKING MINORITY MEMBER PRIOR TO PUBLIC RELEASE OF THE DOCUMENT. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. E. S. Miller

DATE: 5/13/73

FROM : Mr. T. J. Smith *TJS*JUNESUBJECT: SENSITIVE COVERAGE PLACED AT THE  
REQUEST OF THE WHITE HOUSE

1-Mr. Eardley  
1-Mr. Felt  
1-Mr. E.S. Miller  
1-Mr. Walters  
1-Mr. Wannall  
1-Mr. T.J. Smith

Mr. Baker  
Mr. Callahan  
Mr. Cleveland  
Mr. Conrad  
Mr. Galtman  
Mr. Jenkins  
Mr. Marshall  
Mr. Miller, E.S.  
Mr. Soyars  
Mr. Thompson  
Mr. Walters  
Tele. Room  
Mr. Baise  
Mr. Barnes  
Mr. Bowers  
Mr. Herington  
Mr. Conroy  
Mr. Mize  
Mr. Eardley  
Mrs. Hogan

Pursuant to instructions of the Acting Director, I met him at 11:00 AM on 5/12/73 in the office of Mr. Leonard Garment at room 128 of the Executive Office Building. We met Mr. Fred Buzhardt who took us to a room with a vault and turned over to us two sealed boxes which we determined to be official records of the FBI which had been in the protective custody of former Assistant to the Director William C. Sullivan prior to his retirement in October, 1971.

Mr. Buzhardt said that the records should be examined and that a receipt describing them should be prepared and signed by me before they were removed from the vault. I then proceeded to examine the records and make an inventory in the form of a receipt. Each box was inventoried separately and a copy of the receipt prepared by me is attached for information.

I finished the inventory at about 2:30 PM and Mr. Garment then looked over the inventory receipt and I signed out of the vault with the two boxes of records at 2:45 PM. A Secret Service Agent who had remained in the vault area while the records were being inventoried drove me to the Federal Triangle Building where the Intelligence Division is located. The records are presently being maintained under secure conditions in your office.

The two boxes contain the original logs of intercepts of the various electronic surveillances operated; the original, signed letters to the Attorney General, each signed by him, requesting authorization to install the electronic surveillances; Original letters to President Nixon, Dr. Kissinger, Mr. Haldeman, and Mr. Ehrlichman reporting on the results of the electronic surveillances; the FBI yellow file copies on the above-mentioned letters; copies of letters to the Attorney General advising of discontinuances of the electronic surveillances; cover memoranda relating to letters to the Attorney General, The President, Dr. Kissinger, Mr. Haldeman, and Mr. Ehrlichman; miscellaneous other correspondence, including cables to and from \_\_\_\_\_ relating to electronic surveillance coverage arranged by our \_\_\_\_\_ there, and general background information.

Enclosures

TJS:ts  
(7)

JUN 4 1973

ROUTE IN ENVELOPE  
TOP SECRET

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIRETAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

I, National Security Council 5/20/69 - 6/20/69 -  
 D, [Newsman] 5/29/69 - 2/10/71  
 D, [Newsman] 6/4/69 - 8/31/69  
 E, Ehrlichman's Office 7/23/69 - 10/2/69  
 F, White House staff 8/4/69 - 9/15/69  
 M, [Newsman] 9/10/69 - 11/4/69  
 Q, [Newsman] 5/4/70 - 2/10/71  
 H, State Department 5/4/70 - 2/10/71  
 A, State Department 5/4/70 - 2/10/71  
 K, National Security Council 5/13/70 - 2/10/71  
 L, , National Security Council 5/13/70 - 2/10/71  
 J, , White House staff 12/14/70 - 1/27/71

Examination of the original letters to the White House reporting on results of the various electronic surveillances maintained during the project reveals the following:

There were 37 letters to Dr. Kissinger dating from 5/13/69 to 5/11/70. There were 34 letters to the President dating from 7/10/69 to 5/12/70. There were 52 letters to Mr. H.R. Haldeman dated from 7/10/69 to 2/10/71. There were 15 letters to Mr. Ehrlichman dating from 9/22/69 to 7/25/69, and these all related to E, who was apparently an assistant on Ehrlichman's staff. In addition to electronic surveillance on E the records reveal that the FBI also conducted a physical surveillance on E.

In connection with the surveillance of E the records reveal that electronic and physical coverage was brought about when the Attorney General called and said that the President had ordered him to tell the Director he wanted a 24-hour surveillance and a tap on E and that we should report the results of the surveillance and tap to Ehrlichman. In signing the written authorization on this wiretap, the Attorney General wrote in his own handwriting "Higher authority has requested that this be done immediately for use prior to Thursday."



20. On June 5, 1970 the President, H. R. Haldeman, John Ehrlichman and Presidential Staff Assistant Tom Huston met with FBI Director J. Edgar Hoover, Defense Intelligence Agency Director Donald Bennett, National Security Agency Director Noel Gayler, and Central Intelligence Agency Director Richard Helms. The President discussed the need for better domestic intelligence operations in light of an escalating level of bombings and other acts of domestic violence. He appointed Hoover, General Bennett, Admiral Gayler, and Helms to be an ad hoc committee to study intelligence needs and restraints. He named Hoover as the chairman and Huston as the White House liaison.

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20.2 House Judiciary Committee summary of Tom Charles Huston testimony, Senate Armed Services Committee Executive Session, May 21, 1973, 133-35.....	378
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Kunzig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1969 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

He came to the General Services Administration after 6 years in Pennsylvania State government, where he was secretary of administration and budget secretary under Gov. Raymond P. Shafer, and deputy secretary for procurement, department of property and supplies, under Gov. William W. Scranton. Prior to entering government service, he was employed by the General Electric Co. for 12 years.

Mr. Sampson was born on October 8, 1926, in Warren, R.I. He received his B.S. degree in business administration from the University of Rhode Island in 1951 and has done graduate work at the George Washington University.

Active in several professional organizations, Mr. Sampson was presented the Synergy III Award for outstanding contributions toward the advancement of architecture by the Society of American Registered Architects in 1972. In 1973 he was selected as one of the Top Ten Public Works Men of the Year, and he was named an honorary member of the American Institute of Architects.

He and his wife, Blanche, have four children and reside in Washington, D.C.

NOTE: For the President's statement upon announcing his intention to nominate Mr. Sampson, see the preceding item.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate and those guilty of any illegal actions brought to justice.

## The Watergate Investigation

*Statements by the President. May 22, 1973*

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.



The purpose of this statement is threefold:

—First, to set forth the facts about my own relationship to the Watergate matter;

—Second, to place in some perspective some of the more sensational—and inaccurate—of the charges that have filled the headlines in recent days, and also some of the matters that are currently being discussed in Senate testimony and elsewhere;

—Third, to draw the distinction between national security operations and the Watergate case. To put the other matters in perspective, it will be necessary to describe the national security operations first.

In citing these national security matters, it is not my intention to place a national security “cover” on Watergate, but rather to separate them out from Watergate—and at the same time to explain the context in which certain actions took place that were later misconstrued or misused.

Long before the Watergate break-in, three important national security operations took place which have subsequently become entangled in the Watergate case.

—The first operation, begun in 1969, was a program of wiretaps. All were legal, under the authorities then existing. They were undertaken to find and stop serious national security leaks.

—The second operation was a reassessment, which I ordered in 1970, of the adequacy of internal security measures. This resulted in a plan and a directive to strengthen our intelligence operations. They were protested by Mr. Hoover, and as a result of his protest they were not put into effect.

—The third operation was the establishment, in 1971, of a Special Investigations Unit in the White House. Its primary mission was to plug leaks of vital security information. I also directed this group to prepare an accurate history of certain crucial national security matters which occurred under prior administrations, on which the Government’s records were incomplete.

Here is the background of these three security operations initiated in my Administration.

#### 1969 WIRETAPS

By mid-1969, my Administration had begun a number of highly sensitive foreign policy initiatives. They were aimed at ending the war in Vietnam, achieving a settlement in the Middle East, limiting nuclear arms, and establishing new relationships among the great powers. These involved highly secret diplomacy. They were closely interrelated. Leaks of secret information about any one could endanger all.

Exactly that happened. News accounts appeared in 1969, which were obviously based on leaks—some of them massive and detailed—by people having access to the most highly classified security materials.

There was no way to carry forward these diplomatic

initiatives unless further leaks could be prevented. This required finding the source of the leaks.

In order to do this, a special program of wiretaps was instituted in mid-1969 and terminated in February 1971. Fewer than 20 taps, of varying duration, were involved. They produced important leads that made it possible to tighten the security of highly sensitive materials. I authorized this entire program. Each individual tap was undertaken in accordance with procedures legal at the time and in accord with longstanding precedent.

The persons who were subject to these wiretaps were determined through coordination among the Director of the FBI, my Assistant for National Security Affairs, and the Attorney General. Those wiretapped were selected on the basis of access to the information leaked, material in security files, and evidence that developed as the inquiry proceeded.

Information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

#### THE 1970 INTELLIGENCE PLAN

In the spring and summer of 1970, another security problem reached critical proportions. In March a wave of bombings and explosions struck college campuses and cities. There were 400 bomb threats in one 24-hour period in New York City. Rioting and violence on college campuses reached a new peak after the Cambodian operation and the tragedies at Kent State and Jackson State. The 1969-70 school year brought nearly 1,800 campus demonstrations and nearly 250 cases of arson on campus. Many colleges closed. Gun battles between guerrilla-style groups and police were taking place. Some of the disruptive activities were receiving foreign support.

Complicating the task of maintaining security was the fact that, in 1966, certain types of undercover FBI operations that had been conducted for many years had been suspended. This also had substantially impaired our ability to collect foreign intelligence information. At the same time, the relationships between the FBI and other intelligence agencies had been deteriorating. By May 1970, FBI Director Hoover shut off his agency’s liaison with the CIA altogether.

On June 5, 1970, I met with the Director of the FBI (Mr. Hoover), the Director of the Central Intelligence Agency (Mr. Richard Helms), the Director of the Defense Intelligence Agency (Gen. Donald V. Bennett), and the Director of the National Security Agency (Adm. Noel Gayler). We discussed the urgent need for better intelligence operations. I appointed Director Hoover as chairman of an interagency committee to prepare recommendations.

On June 25, the committee submitted a report which included specific options for expanded intelligence operations, and on July 23 the agencies were notified by

The testimony of Tom Charles Huston contained in a classified transcript obtained from the Senate Armed Services Committee has been withheld from publication in accordance with the rules of that committee. Mr. Huston testified on May 21, 1973. On that occasion, Mr. Huston testified that a meeting was held on June 5, 1970 in the Office of the President, and that the persons present were the President, CIA Director Helms, FBI Director Hoover, NSA Director Admiral Gayler, and DIA Director General Bennett. In addition, Mr. Haldeman, Mr. Ehrlichman, Mr. Finch and Mr. Huston were present.

The President asked the Intelligence Agency Directors for their recommendations on whether the government's intelligence services were being hampered by restraints on intelligence gathering methods. Mr. Huston stated that it was the opinion of the directors that they were in fact being hampered. The President was also concerned about a lack of coordination among the intelligence agencies. Although the directors assured the President that they were cooperating with each other, Mr. Huston recalled that the FBI had terminated its liaison with the CIA, DIA, and military services.

The directors were told by the President to prepare a threat assessment and options on the lifting of restraints on intelligence gathering methods.

3027

Mr. HALDEMAN. All right. My testimony would be in exact accord with that.

Mr. DASH. Did you help prepare the President's statement?

Mr. HALDEMAN. No, sir, I did not. But I would say that that delineates in a few words the extent and nature of the problem as it existed at that time. The reason for the White House concern and the reason for attempting to take some action.

Mr. DASH. I still would like rather than your reading the President's statement—

Mr. HALDEMAN. I haven't read it, I didn't read it.

Mr. DASH. I know, I said would you just give us as briefly as you can your own recollection—

Mr. HALDEMAN. Sure.

Mr. DASH [continuing]. Of what that purpose was, what the problem was?

Mr. HALDEMAN. The problem was, and I have indicated this in my statement also, I believe, was the wave of violence, bombings, arson, trashing, and other sorts of activities of damaging property, some of them killing people, that were sweeping across the country at that time.

Mr. DASH. And this led to what we have now been referring to as the Huston plan, did it not?

Mr. HALDEMAN. Yes, it did.

Mr. DASH. And I take it you were aware of all of the facets of the Huston plan, what the recommendations were that were being made and as it finally went up to the President.

Mr. HALDEMAN. Not in any detail. The inception of the so-called Huston plan was a meeting that the President called—first, Mr. Huston, as a staff man, had done some preliminary work on analysis of the problem, and analysis of the efforts to deal with the problem, and of the shortcomings that appeared to be in existence at that time with relation to the problem and the efforts to deal with it as a result of which the President called a meeting of the heads of the various security agencies, the FBI, the NSA, the CIA, and the DIA. I sat in that meeting, as did Mr. Huston. The President discussed with these agency heads the nature of the problem, the shortcomings of domestic intelligence, the concern that some of these activities that were underway or being threatened during that period of time were possibly, at least, and I think demonstrably, as I recall, connected with foreign activities. Some of the organizations that were declaring themselves out to destroy institutions and in some cases the Government, were doing their training in foreign countries and were studying under foreign dissident organizations, and there was a feeling that there was a cross-over here that needed to be dealt with in terms of better intelligence, that we didn't know who was causing these things, who was directing them, who was financing them, nor did we know what they were going to be directed to.

Mr. DASH. How did you receive specific evidence of these events? You didn't know, you say, who was doing what, but obviously you were concerned that the events occurred. What evidence occurred as to who might be involved?

Mr. HALDEMAN. There was evidence in terms of the people who were

3028

carrying some of them out, at least, in self-declared, both intentions and in backing, and the reasons for what they were doing.

There was some intelligence—there was some FBI intelligence in this area, there was some Secret Service intelligence in this area as it related to Presidential threats and security. And there was some investigative reporting by the press going on as to the background of some of these activities, and all of these I think would add together to be the sources at that time of what we did have.

Mr. DASH. But is it your statement that you were not fully aware of the specifics of the Huston plan?

Mr. HALDEMAN. I was not—let me get into how that was set up. In the meeting with the President and the heads of the security agencies the problem was outlined and the President made it very clear that he expected some cooperation, which there did not—which did not exist at that time between these agencies, in getting better information, evaluating the information more effectively, and disseminating it so that action could be taken if there was action indicated, or at least awareness—there would be awareness of what was happening or what was going to happen.

The group assembled in his office at that time was designated by the President as a task force to prepare recommendations for him as to what ought to be done, what steps should be taken to meet the problem and carry out the request that the President made of this group.

It is my understanding that that—those agency heads themselves or by designation of members of their staff did set up such a task force under the chairmanship of Director Hoover which prepared an extensive set of recommendations. Mr. Huston worked with them, I understand on this, or at least they transmitted these recommendations to him upon their preparation, and those recommendations were submitted to the President. They were submitted, as was customary procedure to Mr. Huston, the staff man assigned to that project, through Mr. Huston to me and through me to the President.

Mr. DASH. Mr. Huston actually reported to you?

Mr. HALDEMAN. He reported through me in this particular area. He was—well, I do not know where he was assigned at that time. He was sometimes—part of the time he was at the White House he was on the staff of the counsel and part of the time he was on Mr. Buchanan's staff.

Mr. DASH. Well, in reporting to you or through you, you saw all of the papers that were being reviewed, did you not?

Mr. HALDEMAN. I saw all the papers—not all the working papers of the committee. I saw the recommendations that went to the President.

Mr. DASH. All right. Did you read the recommendations that went to the President?

Mr. HALDEMAN. I am not sure I did or not. If I did it was not in any detail. I had an idea it was a proposal for an expanded intelligence activity.

Mr. DASH. Were you aware in that proposal there was a recommendation for both national and internal security, that there be an increased use of wiretapping and surreptitious entry or break-in?

Mr. HALDEMAN. I am not sure whether I was or not. I may very well have been.

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Mr. DASH. Were you aware of his particular role as liaison between Mr. Haldeman and the Committee To Re-Elect the President?

Mr. EHRLICHMAN. Only very vaguely.

Mr. DASH. Did he ever report anything to you when he came back from the Committee To Re-Elect the President?

Mr. EHRLICHMAN. No.

Mr. DASH. Now, were you aware of the fact that by the summer of 1970, Mr. Haldeman and the President had felt a need for an improved intelligence system with regard to domestic dissent or internal security?

Mr. EHRLICHMAN. The answer to the question is, yes, but not the Huston plan. There have really been two things talked about in the course of the hearings, and I knew about one of them and I had only the merest brush with the other.

Mr. DASH. The question really is not about the Huston plan. I asked you whether you were aware of a feeling for the need for an improved intelligence plan to deal with, say, internal security?

Mr. EHRLICHMAN. Well, I was aware of the feeling of the need, and I shared it.

Mr. DASH. All right.

Now, what plan were you aware of?

Mr. EHRLICHMAN. I was aware of a proposal which eventually, I believe, was put into effect to establish a small office in the Justice Department to correlate and coordinate and bring together in one place what the various law enforcement agencies, both in and out of the Federal Government, knew about these terrorism bombings and the violent—the street violence and these other activities that were going on around the country because it looked then like there really was a pattern, and that it was a coordinated, planned, and executed thing. These things went in waves from one part of the country to the other, and it appeared that if what the police knew, for instance, in the city of New York could be shared with the police in other parts of the country, that you would get a whole lot better response to this kind of lawbreaking.

So under Mr. Mardian's aegis, this effort was made to bring together the things that were known to all of the law enforcement people around the country.

Mr. DASH. All right.

Now, did you know about the Huston plan?

Mr. EHRLICHMAN. I did not know about the Huston plan until I was invited to attend a meeting that I think has been previously referred to here in the President's Office, attended by Admiral Gayler and J. Edgar Hoover and the heads of the various—Mr. Helms, the heads of the various intelligence agencies, where this proposal was announced.

Mr. DASH. What was the stage of that proposal at this point announced as a proposal that would go forward?

Mr. EHRLICHMAN. I gathered it was an accomplished fact.

Mr. DASH. Yes. Did you know what the proposal was about?

Mr. EHRLICHMAN. Just from what I heard at that meeting. I had not seen the writeup.

Mr. DASH. Did you know that the proposal included removal of certain restrictions on break-ins, surreptitious entry, or wiretapping?

20.5 SUMMARY OF TOM CHARLES HUSTON TESTIMONY,  
JULY 9, 1973, HOUSE ARMED SERVICES COM-  
MITTEE EXECUTIVE SESSION, 1357-58, 1371-73

The testimony of Tom Charles Huston contained in classified transcripts obtained from the House Armed Services Committee, has been withheld from publication in accordance with the rules of that committee.

Mr. Huston testified on July 9, 1973, and in that testimony, Mr. Huston generally related his position on the staff at the White House, and then testified as to a meeting held at the White House on June 5, 1970 in the Office of the President. At that meeting, Mr. Helms, General Bennett, Admiral Gayler, Mr. Hoover, Mr. Haldeman, Mr. Ehrlichman, Mr. Finch, and Mr. Huston were present.

The President expressed his concern that the intelligence services of the United States might not be doing everything possible to obtain the domestic intelligence necessary for dealing with threats to internal security. He instructed the directors of the intelligence services to prepare a threat assessment and an analysis of the gaps that existed in intelligence gathering efforts. The directors were also instructed to give the President a range of options as to what steps might be taken to deal with any gaps in intelligence gathering methods. The President directed Mr. Hoover to serve as Chairman of the group to prepare the report.

21. On June 25, 1970 the Committee completed its report entitled "Special Report Interagency Committee on Intelligence (Ad Hoc)" known as "The Huston Plan." The report included a discussion of the current restraints on intelligence collection with respect to electronic surveillance, mail coverage, surreptitious entry, use of campus informers, use of military undercover agents, and other intelligence-gathering procedures. The Report set forth the arguments for and against maintaining or relaxing existing restraints on the various forms of intelligence collection and of establishing an inter-agency intelligence evaluation committee. Specific options for expanded intelligence operations were set forth for the President's consideration. The Report stated that two of the proposed intelligence-gathering procedures, surreptitious entry and opening first class mail, were illegal. At Director Hoover's insistence, the Report included notations that the FBI objected to proposals for establishing a permanent coordinating committee and for lifting restraints on intelligence collection methods in all categories except legal mail coverage and National Security Agency communications intelligence.

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SPECIAL REPORT  
INTERAGENCY COMMITTEE ON  
INTELLIGENCE (AD HOC)

CHAIRMAN J. EDGAR HOOVER

JUNE, 1970

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June 25, 1970

This report, prepared for the President,  
is approved by all members of this committee  
and their signatures are affixed hereto.

/s/ J. Edgar Hoover  
Director, Federal Bureau of Investigation  
Chairman

/s/ Richard Helms  
Director, Central Intelligence Agency

/s/ Lt. General D. V. Bennett, USA  
Director, Defense Intelligence Agency

/s/ Vice Admiral Noel Gayler, USN  
Director, National Security Agency

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PREFACE

The objectives of this report are to: (1) assess the current internal security threat; (2) evaluate current intelligence collection procedures; identify restraints under which U. S. intelligence services operate; and list the advantages and disadvantages of such restraints; and (3) evaluate current interagency coordination and recommend means to improve it.

The Committee has attempted to set forth the essence of the issues and the major policy considerations involved which fall within the scope of its mandate.

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PART ONE

SUMMARY OF INTERNAL SECURITY THREAT

I. MILITANT NEW LEFT GROUPS

A. Assessment of Current Internal Security Threat

The movement of rebellious youth known as the "New Left," involving and influencing a substantial number of college students, is having a serious impact on contemporary society with a potential for serious domestic strife. The revolutionary aims of the New Left are apparent when their identification with Marxism-Leninism is examined. They pointedly advertise their objective as the overthrow of our system of government by force and violence. Under the guise of freedom of speech, they seek to confront all established authority and provoke disorder. They intend to smash the U. S. educational system, the economic structure, and, finally, the Government itself. New Left groups do not have a large enough number of rank-and-file followers, nor do they have a unity of purpose to carry out massive or paralyzing acts of insurrection. They do, on the other hand, have the will to carry on more militant efforts in local situations and an inclination to utilize more extreme means to attain their objectives.

1. Student Protest Groups. The Students for a Democratic Society (SDS) has, in the past year, split into several factions, including the Revolutionary Youth Movement (RYM), which has control over 30 chapters; and the Worker Student Alliance (WSA), which consists of 63 chapters. The WSA faction aims to build a worker-student movement in keeping with the aim of developing a broad worker-based revolutionary movement in the United States.

There are some 85 unaffiliated SDS chapters generally sympathetic to revolutionary tactics and goals. The trend of increased radical campus organizations is noticeable at campuses where recognition of SDS has been refused or rescinded and SDS members have banded together, with or without sanction, under a new title to attract student support. In addition, numerous ad hoc groups have been established on campuses and elsewhere to exploit specific issues.

The National Student Strike (NSS), also known as the National Strike Information Center, was formed following the entry of the United States forces into Cambodia and the deaths of four students at Kent State University. NSS, which helped to coordinate the nationwide student strike in May, 1970, has three regional centers and includes

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among its leadership SDS members and other New Left activists. The NSS has established a nationwide communications system of "ham" radio stations on campuses to encourage student demonstrations and disruptions. This communications capability may have a significant impact on campus stability in the coming school year.

The Venceremos Brigade (VB), established to send United States youth to Cuba to aid in the 1970 harvests, has continually received favorable publicity in Cuban propaganda media. To date, over 900 members of the VB have visited Cuba and another group of approximately 500 members are expected to follow suit. While in Cuba, VB members were individually photographed and questioned in detail about their backgrounds. Because of their contacts with Cuban officials, these individuals must be considered as potential recruits for Cuban intelligence activities and sabotage in the United States.

The greatest threat posed to the security of the country by student protest groups is their potential for fomenting violence and unrest on college campuses. Demonstrations have triggered acts of arson by extremists against war-oriented research and ROTC facilities and have virtually paralyzed many schools. There has been a growing number of noncampus, but student-related, acts of violence which increase tensions between "town and gown" and which constitute a marked escalation of the scope and level of protest activities. Few student protests are currently related to exclusively campus issues; virtually all involve political and social issues. Increasingly, the battlefield is the community with the campus serving primarily as a staging area.

The efforts of the New Left aimed at fomenting unrest and subversion among civil servants, labor unions, and mass media have met with very limited success, although the have attempted through their "Summer Work-Ins" to infiltrate and radicalize labor. The inability of these groups to subvert and control the mass media has led to the establishment of a large network of underground publications which serve the dual purpose of an internal communication network and an external propaganda organ.

Leaders of student protest groups have traveled extensively over the years to communist countries; have openly stated their sympathy with the international communist revolutionary movements in South Vietnam and Cuba; and have directed others into activities which support these movements. These individuals must be considered to have potential for

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recruitment and participation in foreign-directed intelligence activity.

2. Antiwar Activists. The impetus and continuity for the antiwar movement is provided by the New Mobilization Committee to End the War in Vietnam (NMC) and the Student Mobilization Committee to End the War in Vietnam (SMC). The NMC is a coalition of numerous antiwar groups and individuals including communist "old left" elements. The SMC is under the control of the Trotskyist Socialist Workers Party (SWP).

The NMC and SMC have announced a policy of "nonexclusion" which places no limitation on the type of individuals allowed to participate in demonstrations. This policy opens the door for violence-prone individuals who want to capitalize on the activities of these groups. Both groups profess to follow a policy of nonviolence; however, the very nature of the protests that they sponsor sets the stage for civil disobedience and police confrontation by irresponsible dissident elements. Various individuals in NMC and SMC are calling for more militant protest activities, a subject to be discussed at national meetings by both groups in late June, 1970.

Although antiwar groups are not known to be collecting weapons, engaging in paramilitary training, or advocating terrorist tactics, the pro-Hanoi attitude of their leaders, the unstable nature of many NMC advocates and their policy of "nonexclusion" underscore the use of the antiwar movement as a conduit for civil disorder. This is further emphasized by the NMC leadership's advocacy of civil disobedience to achieve desired objectives.

There is no indication that the antiwar movement has made serious inroads or achieved any more than a slight degree of influence among labor unions, the mass media, and civil servants. One group, however, the Federal Employees for a Democratic Society (FEDS), offers a means of protest for recent radical graduates employed by the Federal Government.

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The military and educational institutions are the prime targets of the antiwar movement. In addition to vandalism, arsons, and bombings of ROTC facilities, there has been stepped-up activity to spread antiwar sympathy among American servicemen from within through sympathetic members in the military and from without through such programs as "GI Coffeehouses" and the proposed National GI Alliance. The increasing access by members of the military to the underground press, the establishment of servicemen's unions, and organizations which facilitate desertions, have contributed significantly to the increasing instances of dissent in the military services.

NMC and SMC leaders are constantly speaking before student groups and endeavoring to use student radicals to further the antiwar movement. They have called for an end to the ROTC and have demonstrated, often violently, to force universities to halt war-related research projects.

The Central Intelligence Agency (CIA), in its analysis of bloc intelligence, is of the view that the Soviet and bloc intelligence services are committed at the political level to exploit all domestic dissidents wherever possible. This attack is being conducted through recruited agents, agents of influence, and the use of front groups. It is established bloc policy to deploy its forces against the United States as "the main enemy" and to direct all bloc intelligence forces toward ultimately political objectives which disrupt U. S. domestic and foreign policies.

3. New Left Terrorist Groups. The Weatherman terrorist group, which emerged from a factional split of SDS during the Summer of 1969, is a revolutionary youth movement which actively supports the

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revolutionary leadership role of the Negro in the United States. It has evolved into a number of small commando-type units which plan to utilize bombings, arsons, and assassinations as political weapons.

There has been evidence of Weatherman involvement in terrorist tactics, including the accidental explosion of a "Weatherman bomb factory" in New York City on March 6, 1970; the discovery of two undetonated bombs in Detroit police facilities on the same date; and the blast at New York City police installations on June 9, 1970.

While Weatherman membership is not clearly defined, it is estimated that at least 1,000 individuals adhere to Weatherman ideology. In addition, groups such as the White Panther Party, Running Dog, Mad Dog, and the Youth International Party (Yippies) are supporters of Weatherman terrorism but have no clearly definable ideology of their own.

Adherents to Weatherman ideology are also found within radical elements on campuses, among those living in off-campus communes, among New Left movement lawyers and doctors, and the underground press. Individuals who adhere to the Weatherman ideology have offered support and aid to hard-core Weatherman members, including 21 Weatherman members currently in hiding to avoid apprehension.

They identify themselves politically with North Vietnam, Cuba, and North Korea and consider pro-Soviet and pro-Chinese organizations as being aligned with imperialist powers. In addition, some of the Weatherman leaders and adherents have traveled to communist countries or have met in Western countries with communist representatives.

Weatherman leaders and other members of terrorist groups are not known at this time to be involved in foreign-directed intelligence collection activity. The fugitive and underground status of many of these people, as well as their involvement in activities which would likely bring them to the attention of American authorities, would be a deterrent to contacts by foreign intelligence organizations.

B. Assessment of Current Intelligence Collection Procedures

1. Scope and Effectiveness of Current Coverage. Although New Left groups have been responsible for widespread damage to ROTC facilities, for the halting of some weapons-related research, and for the increasing dissent within the military services, the major threat to the internal security of the United States is that directed against the civilian sector of our society.

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Coverage of student groups is handled primarily through live informants and it is generally effective at the national level or at major meetings of these groups where overall policy, aims, and objectives of the groups are determined.

The antiwar movement's activities are covered through the FBI by live informants in all organizations of interest. This is supported by information furnished by all members of the intelligence community and other Federal, state, and local agencies. Key leaders and activists are afforded concentrated and intensified investigative coverage on a continuing basis and, in situations where there are positive indications of violence, electronic surveillances have been implemented on a selective basis. Informant and electronic coverage does not meet present requirements.

2. Gaps in Current Coverage. Established, long-term coverage is not available within student protest groups due to the fact that the student body itself changes yearly, necessitating a constant turnover in the informants targeted against these groups. His idealism and immaturity, as well as the sensitive issues of academic freedom and the right to dissent, all serve to increase the risk that the student informant will be exposed as such.

Generally, day-to-day coverage of the planned activities of student protest groups, which are somewhat autonomous and disjointed, could be strengthened. Advance notice of foreign travel by student militants is particularly needed. Campus violence is generally attributable to small, close-knit extremist groups among radical students. Coverage of these latter groups is minimal.

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The antiwar movement is comprised of a great many organizations and people which represent varied political, moral and ethnic beliefs. Current manpower commitments preclude optimum coverage of all antiwar activities on a day-to-day basis.

Existing coverage of New Left extremists, the Weatherman group in particular, is negligible. Most of the Weatherman group has gone underground and formed floating, commando-type units composed of three to six individuals. The transitory nature of these units hinders the installation of electronic surveillances and their smallness and distrust of outsiders make penetration of these units through live informants extremely difficult.

Financially, the Weatherman group appears to be without a centralized source of funds. Wealthy parents have furnished funds to some of these individuals, including those in a fugitive status. Many members have also been involved in the thefts of credit and identification cards, as well as checks, and have utilized them for obtaining operating expenses.

### 3. Possible Measures to Improve Intelligence Collection.

To establish effective coverage of student protest groups would require the expansion of live informant coverage of individual campus chapters of these organizations. This would entail extensive use of student informants to obtain maximum utilization of their services for the periods of their college attendance.

Because of the great number of individuals and groups in the antiwar movement, an increase in the manpower assigned to these investigations would facilitate more intensive coverage. In addition, there are several key leaders involved in virtually all antiwar activities, including international contacts, against whom electronic surveillances and mail covers would be particularly effective.

Improvement of intelligence gathering against New Left terrorists depends on a combination of live informant coverage among key leaders and selective electronic surveillances. Because of the nature of the Weatherman groups, live informant coverage will most likely result through the defection of a key leader.

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*21.1 SPECIAL REPORT OF INTERAGENCY COMMITTEE ON INTELLIGENCE (AD HOC),  
JUNE 1970*

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## II. BLACK EXTREMIST MOVEMENT

### A. Assessment of Current Internal Security Threat

1. Black Panther Party. The most active and dangerous black extremist group in the United States is the Black Panther Party (BPP). Despite its relatively small number of hard-core members--approximately 800 in 40 chapters nationwide--the BPP is in the forefront of black extremist activity today. The BPP has publicly advertised its goals of organizing revolution, insurrection, assassination and other terrorist-type activities. Moreover, a recent poll indicates that approximately 25 per cent of the black population has a great respect for the BPP, including 43 per cent of blacks under 21 years of age.

The Panther newspaper has a current circulation of approximately 150,000 copies weekly. Its pages are filled with messages of racial hatred and call for terrorist guerrilla activity in an attempt to overthrow the Government. The BPP has been involved in a substantial number of planned attacks against law enforcement officers, and its leadership is composed in large part of criminally inclined, violence-prone individuals.

Weapons are regularly stockpiled by the Party. During 1968 and 1969, quantities of machine guns, shotguns, rifles, hand grenades, homemade bombs, and ammunition were uncovered in Panther offices.

2. New Left Support for BPP. The BPP has received increasing support from radical New Left elements. During 1970, the BPP formed a working relationship with radical student dissenters by injecting the issue of Government "repression" of Panthers into the antiwar cause. Students for a Democratic Society (SDS) supported the BPP in a 1969 "united front against fascism." The probability that black extremists, including the BPP, will work closely with New Left white radicals in the future increases the threat of escalating terrorist activities. It would be safe to project that racial strife and student turmoil fomented by black extremists will definitely increase.

3. BPP Propaganda Appearances. Despite its small membership, the BPP has scored major successes in the propaganda arena. In

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1969, BPP representatives spoke at 139 colleges throughout the Nation, while in 1967 there were only 11 such appearances. Although no direct information has been received to date indicating that the BPP has initiated any large-scale racial disorders, the year 1970 has seen an escalation of racial disorders across the Nation compared to 1969. This fact, coupled with an increasing amount of violent Panther activity, presents a great potential for racial and civil unrest for the future.

4. Appeal to Military. The BPP has made pointed appeals to black servicemen with racist propaganda. High priority has been placed on the recruitment of veterans with weapons and explosives training. The BPP has also called for infiltration of the Government. These activities, should they achieve even minimum success, present a grave threat.

5. BPP Philosophy and Foreign Support. The BPP relies heavily on foreign communist ideology to shape its goals. Quotations from Mao Tse-tung were the initial ideological bible of the BPP. Currently, the writings of North Korean Premier Kim Il-sung are followed and extensive use of North Korean propaganda material is made in BPP publications and training. The Marxist-oriented philosophy of the BPP presents a favorable environment for support of the Panthers from other communist countries.

BPP leaders have traveled extensively abroad including visits to Cuba, Russia, North Korea, and Algeria. International operations of the BPP are directed by Eldridge Cleaver, a fugitive from United States courts.

Radical white students in Western Europe and the Scandinavian countries have organized solidarity committees in support of the BPP. These committees are the sources of financial contributions to the Party and provide outlets for the BPP newspaper.

6. Other Black Extremist Groups. The Nation of Islam (NOI) is the largest single black extremist organization in the United States with an estimated membership of 6,000 in approximately 100 Mosques. The NOI

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preaches hatred of the white race and advocates separatism of the races. The NOI as a group has, to date, not instigated any civil disorders; however, the followers of this semi-religious cult are extremely dedicated individuals who could be expected to perform acts of violence if so ordered by the NOI head, Elijah Muhammed. When Muhammed, who is over 70 years of age, is replaced, a new leader could completely alter current nonviolent tactics of the organization. For example, Muhammed's son-in-law, Raymond Sharrieff, now among the top hierarchy of NOI, could rise to a leadership position. Sharrieff is vicious, domineering, and unpredictable.

There are numerous other black extremist organizations, small in numbers, located across the country. There is also a large number of unaffiliated black extremists who advocate violence and guerrilla warfare. One particular group, the Republic of New Africa (RNA), headquartered in Detroit, Michigan, calls for the establishment of a separate black nation in the South to be protected by armed forces. These groups, although small, are dedicated to the destruction of our form of government and consequently present a definite potential for instigating civil disorder or guerrilla warfare activity.

7. Black Student Extremist Influence. Black student extremist activities at colleges and secondary schools have increased alarmingly. Although currently there is no dominant leadership, coordination or specific direction between these individuals, they are in frequent contact with each other. Consequently, should any type of organization or cohesiveness develop, it would present a grave potential for future violent activities at United States schools. Increased informant coverage would be particularly productive in this area. Black student extremists have frequently engaged in violence and disruptive activity on campuses. Major universities which made concessions to nonnegotiable black student demands have not succeeded in calming extremist activities. During the school year 1969-70, there were 227 college disturbances having racial overtones. There were 530 such disturbances in secondary schools compared with only 320 during the previous school year.

8. Foreign Influence in the Black Extremist Movement. Although there is no hard evidence indicating that the black extremist movement is substantially controlled or directed by foreign elements, there is a marked potential for foreign-directed intelligence or subversive activity among black extremist leaders and organizations. These groups are highly susceptible to exploitation by hostile foreign intelligence services.

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Currently the most important foreign aspect of the black extremist movement is the availability of foreign asylum, especially with regard to black extremists subject to criminal prosecution in the United States. Some foreign countries, such as Cuba, provide a temporary safe haven for these individuals. Information has been received that

Communist intelligence services are capable of using their personnel, facilities, and agent assets to work in the black extremist field. The Soviet and Cuban services have major capabilities available.

B. Assessment of Current Intelligence Collection Procedures

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1. Other Black Extremist Organizations. Informant coverage of the NOI is substantial, enabling its activities to be followed on a current basis. Coverage of militant black student groups and individuals is very limited because of the sensitive areas involved. An effective source of such coverage would be reliable, former members of the Armed Forces presently attending college. Live informant coverage, particularly with respect to the activities and plans of unaffiliated black militants, needs to be increased. More sources both in the United States and abroad in a position to determine the amount of foreign involvement in black extremist activities need to be developed. Maximum use of communication interceptions would materially increase the current capabilities of the intelligence community to develop highly important data regarding black extremist activities.

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### III. INTELLIGENCE SERVICES OF COMMUNIST COUNTRIES

#### A. Assessment of Current Internal Security Threat

The threat posed by the communist intelligence services must be assessed in two areas: (1) direct intervention in fomenting and/or influencing domestic unrest; (2) extensive espionage activities.

Taken in complete context, these services constitute a grave threat to the internal security of the United States because of their size, capabilities, widespread spheres of influence, and targeting of the United States as "enemy number one." The largest and most skilled of these services is the Soviet Committee for State Security (KGB) which has roughly 300,000 personnel of whom some 10,000 are engaged in foreign operations.

1. Intervention in Domestic Unrest. There have been no substantial indications that the communist intelligence services have actively fomented domestic unrest. Their capability cannot, however, be minimized and the likelihood of their initiating direct intervention would be in direct relationship to the deterioration of the political climate and/or imminence of hostilities. The ingredients for a first-rate capability are present, including both the personnel and the ingrained philosophy and know-how for using such tactics.

Communist intelligence has shown a real capability to foment disorder in a number of trouble spots. The dissidence and violence in the United States today present adversary intelligence services with opportunities unparalleled for forty years. While fostering disorder and rebellion through communist parties and fronts is a potent weapon in the communist arsenal, their past success has been evident in clandestine recruitment efforts on campuses during times of unrest. H. A. R. (Kim) Philby, Guy Burgess, and Donald Maclean were all students at Cambridge during the depression period of the 1930's and were in the vanguard of what was then the New Left. Their recruitment and cooperation with Soviet intelligence wreaked havoc on British intelligence and also compromised U. S. security in those sectors where they had authorized access.

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For instance, about 900 members of the Venceremos Brigade, a group of American youths, recently completed a round trip to Cuba. This travel was financed by the Cuban Government. While in Cuba, they were exhorted to actively participate in United States revolutionary activities upon their return to the United States.

The communist intelligence services maintain contacts and exert influence among a variety of individuals and organizations through the exploitation of ideological, cultural, and ethnic ties. Most of these liaisons are maintained with some degree of openness with individuals associated with the Communist Party, USA, various of its front groups, other pro-Soviet organizations, nationality groups, and foreign-language newspapers. These contacts are exploited as sources for and propaganda outlets of communist intelligence services. Regarded individually, these efforts cannot be considered a major threat to our internal security; however, in total, they represent a sizable element of our population which can be influenced in varying degrees by communist intelligence service operations.

2. Intelligence Operations. Persistent and pervasive intelligence operations which have their inspiration and direction supplied by communist intelligence services represent a major threat to the internal security.

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*21.1 SPECIAL REPORT ON INTERAGENCY COMMITTEE ON INTELLIGENCE (AD HOC),  
JUNE 1970*

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B. Assessment of Current Intelligence Collection

1. Scope and Effectiveness. The scope of overall intelligence efforts is encompassed in the threefold goals of penetration, intelligence, and prosecution. Domestic implementation of these goals is delimited by agreement among United States intelligence agencies. Intelligence components of the United States military services are immediately concerned with protecting the integrity of their personnel and installations.

Methods used in these endeavors, employed in varying degrees by U.S. intelligence agencies dependent upon their specific tasks are: penetrations; defectors; double agent operations; physical, technical, and photographic surveillances; examination and analysis of overt publications; information supplied by friendly intelligence services; and COMINT.

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#### IV. OTHER REVOLUTIONARY GROUPS

##### A. Assessment of Current Internal Security Threat

1. Communist Party. The Communist Party continues as a distinct threat to the internal security because of its extremely close ties and total commitment to the Soviet Union. There are many thousands of people in the United States who adhere to a Marxist philosophy and agree with the basic objectives of the Communist Party although they do not identify themselves specifically with the organization. The Party receives most of its finances from the Soviet Union, adheres to Soviet policies explicitly, and provides a major outlet for Soviet propaganda. The Party will without question continue to implement whatever orders it receives from the Soviets in the future.

There is little likelihood that the Communist Party, USA, will instigate civil disorders or use terrorist tactics in the foreseeable future. Its strong suit is propaganda. Through its publications and propaganda it will continue its efforts to intensify civil disorders, and foment unrest in the Armed Forces, labor unions, and minority groups. The Party is on the periphery of the radical youth movement and is striving to strengthen its role in this movement and to attract new members through a recently formed youth organization, but it does not appear this group will achieve any substantial results for the Party in the future.

2. Socialist Workers Party and Other Trotskyist Groups. These organizations have an estimated membership of                      The major Trotskyist organization, the Socialist Workers Party, has attained an influential role in the antiwar movement through its youth affiliate, the Young Socialist Alliance, which dominates the Student Mobilization Committee to End the War in Vietnam and which has more than doubled its size on college campuses in the past year. Trotskyist groups have participated in major confrontations with authorities both on and off campuses and have consistently supported civil disorders. At this time they do not pose a major threat to instigate insurrection or to commit terrorist acts. The propaganda of these groups, while emphasizing student unrest, is also aimed at creating dissatisfaction in labor organizations and in the Armed Forces. The Trotskyist organizations maintain close relations with the Fourth International, a foreign-based worldwide Trotskyist movement.

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4. Puerto Rican Nationalist Extremist Groups. The radical Puerto Rican independence movement has spawned approximately ten violently anti-American groups committed to Puerto Rican self-determination. Revolutionary violence is a major aim of the estimated members of these groups and if sufficiently strong, they would not hesitate to mount armed insurrection. Since July, 1967, some 130 bombings in Puerto Rico and in the New York City area have been attributed to these extremists. American-owned businesses have been the main targets, but there has been a recent upsurge of violence against U.S. defense facilities in Puerto Rico.

B. Assessment of Current Intelligence Coverage

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3. Possible Measures to Improve Intelligence Collection.

The selective use of electronic surveillances would materially enhance the intelligence coverage of the policy-making levels of these organizations. A particular benefit of electronic surveillance in the Puerto Rican field could be the development of information identifying persons involved in terrorist activities. Communications intelligence coverage and travel control measures could be improved to provide greater awareness of the travel and other activities of individuals of security interest. Through the establishment of additional informant coverage on college campuses, the involvement of these organizations in the radicalization of students could be assessed with increased accuracy.

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PART TWO

RESTRAINTS ON INTELLIGENCE COLLECTION

The Committee noted that the President had made it clear that he desired full consideration be given to any regulations, policies, or procedures which tend to limit the effectiveness of domestic intelligence collection. The Committee further noted that the President wanted the pros and cons of such restraints clearly set forth so that the President will be able to decide whether or not a change in current policies, practices, or procedures should be made.

During meetings of the Committee, a variety of limitations and restraints were discussed. All of the agencies involved, Defense Intelligence Agency (DIA), the three military counterintelligence services, the Central Intelligence Agency (CIA), the National Security Agency (NSA), and the Federal Bureau of Investigation (FBI), participated in these considerations.

In the light of the directives furnished to the Committee by the White House, the subject matters hereinafter set forth were reviewed for the consideration and decision of the President.

I. SPECIFIC OPERATIONAL RESTRAINTS

A. Interpretive Restraint on Communications Intelligence

Preliminary Discussion

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B. Electronic Surveillances and Penetrations

Preliminary Discussion

The limited number of electronic surveillances and penetrations substantially restricts the collection of valuable intelligence information of material importance to the entire intelligence community.

Nature of Restrictions

Electronic surveillances have been used on a selective basis. Restrictions, initiated at the highest levels of the Executive Branch, arose as a result of the condemnation of these techniques by civil rights groups, Congressional concern for invasion of privacy, and the possibility of their adverse effect on criminal prosecutions.

Advantages of Maintaining Restrictions

1. Disclosure and embarrassment to the using agency and/or the United States is always possible since such techniques often require that the services or advice of outside personnel be used in the process of installation.

2.

3. Certain elements of the press in the United States and abroad would undoubtedly seize upon disclosure of electronic coverage in an effort to discredit the United States.

4. The monitoring of electronic surveillances requires considerable manpower and, where foreign establishments are involved, the language resources of the agencies could be severely taxed.

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Advantages of Relaxing Restrictions

1. The U. S. Government has an overriding obligation to use every available scientific means to detect and neutralize forces which pose a direct threat to the Nation.
2. Every major intelligence service in the world, including those of the communist bloc, use such techniques as an essential part of their operations, and it is believed the general public would support their use by the United States for the same purpose.
3. The President historically has had the authority to act in matters of national security. In addition, Title III of the Omnibus Crime Control and Safe Streets Act of 1968 provides a statutory basis.
4. Intelligence data from electronic coverage is not readily obtainable from other techniques or sources. Such data includes information which might assist in formulating foreign policy decisions, information leading to the identification of intelligence and/or espionage principals and could well include the first indication of intention to commit hostile action against the United States.
5. Acquisition of such material from COMINT without benefit of the assistance which electronic surveillance techniques can provide, if possible at all, would be extremely expensive. Therefore, this approach could result in considerable dollar savings compared to collection methods.

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DECISION: Electronic Surveillances  
and Penetrations

- \_\_\_\_\_ Present procedures on electronic coverage should continue.
- \_\_\_\_\_ Present procedures should be changed to permit intensification of coverage of individuals and groups in the United States who pose a major threat to the internal security.
- \_\_\_\_\_ Present procedures should be changed to permit intensification of coverage  
of  
interest to the intelligence community.
- \_\_\_\_\_ More information is needed.

NOTE: The FBI does not wish to change its present procedure of selective coverage on major internal security threats as it believes this coverage is adequate at this time. The FBI would not oppose other agencies seeking authority of the Attorney General for coverage required by them and thereafter instituting such coverage themselves.

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C. Mail Coverage

Preliminary Discussion

The use of mail covers can result in the collection of valuable information relating to contacts between U. S. nationals and foreign governments and intelligence services. CIA and the military investigative agencies have found this information particularly helpful in the past. Essentially, there are two types of mail coverage: routine coverage is legal, while the second--covert coverage--is not. Routine coverage involves recording information from the face of envelopes. It is available, legally, to any duly authorized Federal or state investigative agency submitting a written request to the Post Office Department and has been used frequently by the military intelligence services. Covert mail coverage, also known as "sophisticated mail coverage," or "flaps and seals," entails surreptitious screening and may include opening and examination of domestic or foreign mail. This technique is based on high-level cooperation of top echelon postal officials.

Nature of Restrictions

Covert coverage has been discontinued while routine coverage has been reduced primarily as an outgrowth of publicity arising from disclosure of routine mail coverage during legal proceedings and publicity afforded this matter in Congressional hearings involving accusations of governmental invasion of privacy. //

Advantages of Maintaining Restrictions

Routine Coverage:

1. Although this coverage is legal, charges of invasion of privacy, no matter how ill-founded, are possible.
2. This coverage depends on the cooperation of rank-and-file postal employees and is, therefore, more susceptible to compromise.

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Covert Coverage:

1. Coverage directed against diplomatic establishments, if disclosed, could have adverse diplomatic repercussions.
2. This coverage, not having sanction of law, runs the risk of any illicit act magnified by the involvement of a Government agency.
3. Information secured from such coverage could not be used for prosecutive purposes.

Advantages of Relaxing Restrictions

Routine Coverage:

1. Legal mail coverage is used daily by both local and many Federal authorities in criminal investigations. The use of this technique should be available to permit coverage of individuals and groups in the United States who pose a threat to the internal security.

Covert Coverage:

1. High-level postal authorities have, in the past, provided complete cooperation and have maintained full security of this program.
2. This technique involves negligible risk of compromise. Only high echelon postal authorities know of its existence, and personnel involved are highly trained, trustworthy, and under complete control of the intelligence agency.
3. This coverage has been extremely successful in producing hard-core and authentic intelligence which is not obtainable from any other source.

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DECISION: Mail Coverage

- \_\_\_\_\_ Present restrictions on both types of mail coverage should be continued.
- \_\_\_\_\_ Restrictions on legal coverage should be removed.
- \_\_\_\_\_ Present restrictions on covert coverage should be relaxed on selected targets of priority foreign intelligence and internal security interest.
- \_\_\_\_\_ More information is needed.

NOTE: The FBI is opposed to implementing any covert mail coverage because it is clearly illegal and it is likely that, if done, information would leak out of the Post Office to the press and serious damage would be done to the intelligence community. The FBI has no objection to legal mail coverage providing it is done on a carefully controlled and selective basis in both criminal and security matters.

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D. Surreptitious Entry

Preliminary Discussion

Nature of Restrictions

Use of surreptitious entry, also referred to as "anonymous sources: and "black bag jobs," has been virtually eliminated.

Advantages of Maintaining Restrictions

1. The activity involves illegal entry and trespass.
2. Information which is obtained through this technique could not be used for prosecutive purposes.
3. The public disclosure of this technique would result in widespread publicity and embarrassment: The news media would portray the incident as a flagrant violation of civil rights

Advantages of Relaxing Restrictions

1. Operations of this type are performed by a small number of carefully trained and selected personnel under strict supervision. The technique is implemented only after full security is assured. It has been used in the past with highly successful results and without adverse effects.

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2. Benefits accruing from this technique in the past have been innumerable.

3. In the past this technique, when used against subversives, has produced valuable intelligence material.

DECISION: Surreptitious Entry

\_\_\_\_\_ Present restrictions should be continued.

\_\_\_\_\_ Present restrictions should be modified to permit procurement

\_\_\_\_\_ Present restrictions should also be modified to permit selective use of this technique against other urgent and high priority internal security targets.

\_\_\_\_\_ More information is needed.

NOTE: The FBI is opposed to surreptitious entry

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E. Development of Campus Sources

Preliminary Discussion

Public disclosure of CIA links with the National Student Association and the subsequent issuance of the Katzenbach Report have contributed to a climate adverse to intelligence-type activity on college campuses and with student-related groups. It should be noted that the Katzenbach Report itself does not specifically restrain CIA from developing positive or counterintelligence sources to work on targets abroad.

Restrictions currently in force limit certain other elements of the intelligence community access to some of the most troublesome areas: campuses, college faculties, foreign and domestic youth groups, leftist journalists, and black militants.

Nature of Restrictions

The need for great circumspection in making contacts with students, faculty members, and employees of institutions of learning is widely recognized. However, the requirements of the intelligence community for increased information in this area is obvious from the concern of the White House at the absence of hard information about the plans and programs of campus and student-related militant organizations. At the present time no sources are developed among secondary school students and, with respect to colleges and universities, sources are developed only among individuals who have reached legal age, with few exceptions. This policy is designed to minimize the possibility of embarrassment and adverse publicity, including charges of infringement of academic freedom.

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#### Advantages of Maintaining Restrictions

1. Students, faculty members, and others connected with educational institutions are frequently sensitive to and hostile towards any Government activity which smacks of infringement on academic freedom. They are prone to publicize inquiries by governmental agencies and the resulting publicity can often be misleading in portraying the Government's interest.
2. Students are frequently immature and unpredictable. They cannot be relied on to maintain confidences or to act with discretion to the same extent as adult sources.

#### Advantages of Relaxing Restrictions

1. To a substantial degree, militant New Left and antiwar groups in the United States are comprised of students, faculty members, and others connected with educational institutions. To a corresponding degree, effective coverage of these groups and activities depends upon development of knowledgeable sources in the categories named. In this connection, the military services have capabilities which could be of value to the FBI.
2. Much of the violence and disorders which have occurred on college campuses have been of a hastily planned nature. Unless sources are available within the student bodies, it is virtually impossible to develop advance information concerning such violence.
3. The development of sources among students affiliated with New Left elements affords a unique opportunity to cultivate informant prospects who may rise to positions of leadership in the revolutionary movement or otherwise become of great long-range value.
4. The extraordinary and unprecedented wave of destruction which has swept U. S. campuses in the past several months and which in some respects represents a virtual effort to overthrow our system provides a clear justification for the development of campus informants in the interest of national security.

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5. Contacts with students will make it possible to obtain information about travel abroad by U.S. students and about attendance at international conferences.

DECISION: Development of Campus Sources

- \_\_\_\_\_ Present restrictions on development of campus and student-related sources should be continued.
- \_\_\_\_\_ Present restrictions should be relaxed to permit expanded coverage of violence-prone campus and student-related groups.
- \_\_\_\_\_ CIA coverage of American students (and others) traveling abroad or living abroad should be increased.
- \_\_\_\_\_ More information is needed.

NOTE: The FBI is opposed to removing any present controls and restrictions relating to the development of campus sources. To do so would severely jeopardize its investigations and could result in leaks to the press which would be damaging and which could result in charges that investigative agencies are interfering with academic freedom.

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F. Use of Military Undercover Agents

*Bennett et al. DOD Doc*

Preliminary Discussion

The use of undercover agents by the military services to develop domestic intelligence is currently limited to penetration of organizations whose membership includes military personnel and whose activities pose a direct threat to the military establishment. For example, although the Navy has approximately 54 Naval ROTC units and numerous classified Government contract projects on various campuses across the country, the Naval Investigative Service conducts no covert collection on college campuses. The same is true of the other military services.

Nature of Restrictions

The use of undercover agents by the military investigative services to develop domestic intelligence among civilian targets is believed beyond the statutory intent of the Congress as expressed in Title 10, U. S. Code, and in current resource authorizations. The Delimitations Agreement (1949 agreement signed by the FBI, Army, Navy and Air Force which delimits responsibility for each agency with regard to investigations of espionage, counter-espionage, subversion and sabotage) reflects the current missions of the FBI and the military services. Further, there is a lack of assets to undertake this mission unless essential service-related counterintelligence missions are reduced. There is also concern for morale and disciplinary reactions within the services should the existence of such covert operations become known.

Advantages of Maintaining Restrictions

1. If the utilization of military counterintelligence in this mission is contrary to the intent of the Congress, discovery of employment may result in unfavorable legislation and further reductions in appropriations.
2. Lacking direct statutory authority, the use of the military services in this mission could result in legal action directed against the Executive Branch.
3. The use of military personnel to report on civilian activities for the benefit of civilian agencies will reduce the ability of the military services to meet service-connected intelligence responsibilities.

4. If expansion of the mission of the military services with regard to college campuses is to provide coverage of any significance, it will require corollary increases in resources.

5. Prosecutions for violations of law discovered in the course of military penetration of civilian organizations must be tried in civil courts. The providing of military witnesses will require complicated interdepartmental coordination to a much greater extent than the present and will serve, in the long run, to reduce security.

6. Disclosure that military counterintelligence agencies have been furnishing information obtained through this technique to nonmilitary investigative agencies with respect to civilian activities would certainly result in considerable adverse publicity. The Army's recent experience with former military intelligence personnel confirms this estimate. Since obligated service officers, first enlistees and draftees are drawn from a peer group in which reaction is most unfavorable, morale and disciplinary problems can be anticipated.

#### Advantages of Relaxing Restrictions

1. Lifting these restrictions would expand the scope of domestic intelligence collection efforts by diverting additional manpower and resources for the collection of information on college campuses and in the vicinity of military installations.

2. The use of undercover agents by the military counterintelligence agencies could be limited to localized targets where the threat is great and the likelihood of exposure minimal. Moreover, controlled use of trusted personnel leaving the service to return to college could expand the collection capabilities at an acceptable risk.

3. The military services have a certain number of personnel pursuing special academic courses on campuses and universities. Such personnel, who in many instances have already been investigated for security clearance, would represent a valuable pool of potential sources for reporting on subversive activities of campus and student-related groups.

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DECISION: Use of Military  
Undercover Agents

\_\_\_\_\_ Present restrictions should be retained.

\_\_\_\_\_ The counterintelligence mission of the military services should be expanded to include the active collection of intelligence concerning student-related dissident activities, with provisions for a close coordination with the FBI.

\_\_\_\_\_ No change should be made in the current mission of the military counterintelligence services; however, present restrictions should be relaxed to permit the use of trusted military personnel as FBI assets in the collection of intelligence regarding student-related dissident activities.

\_\_\_\_\_ More information is needed.

NOTE: The FBI is opposed to the use of any military undercover agents to develop domestic intelligence information because this would be in violation of the Delimitations Agreement. The military services, joined by the FBI, oppose any modification of the Delimitations Agreement which would extend their jurisdiction beyond matters of interest to the Department of Defense. //

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II. BUDGET AND MANPOWER RESTRICTIONS

The capability of member agencies, NSA, CIA, DIA, FBI, and the military counterintelligence services, to collect intelligence data is limited by available resources, particularly in terms of budget and/or qualified manpower. For some agencies fiscal limitations or recent cutbacks have been acute. Budgetary requirements for some agencies, other than the FBI, are reviewed and passed upon by officials who, in some instances, may not be fully informed concerning intelligence requirements.

The military services noted that cuts in budget requirements for counterintelligence activities have the effect of severely hampering the ability of these services to accomplish missions relating to coverage of threats to the national security. Budgetary deficiencies have occurred at a time when investigative work loads are increasing significantly.

Manpower limitations constitute a major restriction on the FBI's capabilities in the investigation of subversive activities. The problem is further complicated by the fact that, even if substantial numbers of Agents could be recruited on a crash basis, the time required to conduct background investigations and to provide essential training would mean several months' delay in personnel being available for use against the rapidly escalating subversive situation.

In the event, as a result of this report, additional collection requirements should be levied on the agencies involved. It would be necessary to provide for essential funding.

DECISION: Budget and Manpower Restrictions

- \_\_\_\_\_ Each agency should submit a detailed estimate as to projected manpower needs and other costs in the event the various investigative restraints herein are lifted.
- \_\_\_\_\_ Each agency must operate within its current budgetary or manpower limitations, irrespective of action required as result of this report.
- \_\_\_\_\_ More information is needed.

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PART THREE

EVALUATION OF INTERAGENCY COORDINATION

I. CURRENT PROCEDURES TO EFFECT COORDINATION

There is currently no operational body or mechanism specifically charged with the overall analysis, coordination, and continuing evaluation of practices and policies governing the acquisition and dissemination of intelligence, the pooling of resources, and the correlation of operational activities in the domestic field.

Although a substantial exchange of intelligence and research material between certain of the interested agencies already exists, much remains to be done in the following areas: (1) the preparation of coordinated intelligence estimates in a format useful for policy formulation; (2) the coordination of intelligence collection resources of the member agencies and the establishment of clear-cut priorities for the various agencies; and (3) the coordination of the operational activities of member agencies in developing the required intelligence.

II. SUGGESTED MEASURES TO IMPROVE THE COORDINATION OF DOMESTIC INTELLIGENCE COLLECTION

It is believed that an interagency group on domestic intelligence should be established to effect coordination between the various member agencies. This group would define the specific requirements of the various agencies, provide regular evaluations of domestic intelligence, develop recommendations relative to policies governing operations in the field of domestic intelligence, and prepare periodic domestic intelligence estimates which would incorporate the results of the combined efforts of the entire intelligence community.

Membership in this group should consist of the principal officers responsible for domestic intelligence collection activities of the Federal Bureau of Investigation, the Central Intelligence Agency,

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the National Security Agency, the Defense Intelligence Agency, and the counterintelligence agencies of the Departments of the Army, Navy, and Air Force. In addition, an appropriate representative of the White House would have membership. The committee would report periodically to the White House, and a White House staff representative would coordinate intelligence originating with this committee in the same manner as Dr. Henry Kissinger, Assistant to the President, coordinates foreign intelligence on behalf of the President. The chairman would be appointed by the President.

This interagency group would have authority to determine appropriate staff requirements and to implement these requirements, subject to the approval of the President, in order to meet the responsibilities and objectives described above.

DECISION: Permanent Interagency Group

\_\_\_\_\_ An ad hoc group consisting of the FBI, CIA, NSA, DIA, and the military counterintelligence agencies should be appointed and should serve as long as the President deems necessary, to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, and carry out the other objectives indicated above.

\_\_\_\_\_ A permanent committee consisting of the FBI, CIA, NSA, DIA, and the military counterintelligence agencies should be appointed to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, and carry out the other objectives indicated above.

\_\_\_\_\_ No further action required.

\_\_\_\_\_ More information is needed.

NOTE: The FBI is opposed to the creation of a permanent committee for the purpose of providing evaluations of domestic intelligence, however the FBI would approve of preparing periodic domestic intelligence estimates.

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21.2 SUMMARY OF TOM CHARLES HUSTON TESTIMONY,  
MAY 21, 1973, SENATE ARMED SERVICES COM-  
MITTEE, EXECUTIVE SESSION, 137-38

The testimony of Tom Charles Huston, contained in classified transcripts obtained from the Senate Armed Services Committee, has been withheld from publication in accordance with the rules of that committee.

Mr. Huston testified on May 21, 1973, and stated that a report was prepared by the intelligence services as directed by the President on June 5, entitled "Special Report Interagency Committee on Intelligence (Ad Hoc)." Following the preparation of the Special Report, FBI Director Hoover objected to the inclusion of options for the President to lift restraints on intelligence gathering methods. Mr. Huston understood that Mr. Hoover originally wanted to place his objections in the body of the report, but he was prevailed on to place them in the form of footnotes to those parts of the report setting out options for lifting restraints on intelligence gathering methods.



The testimony of Tom Charles Huston, contained in classified transcripts obtained from the House Armed Services Committee, has been withheld from publication in accordance with the rules of that committee.

Mr. Huston testified on July 9, 1973, and in that testimony he recited that Mr. Hoover had objected to certain options in the report of the Interagency Committee on Intelligence (Ad Hoc), and had placed his objections in footnotes to the Report. General Bennett and Admiral Gayler complained about the presence of the footnotes, but were convinced not to dispute Mr. Hoover's inclusion of them.

Mr. DASH. Were you aware that Mr. Hoover, Director of the FBI, opposed, at least entered his opposition to most of the recommendations in that plan?

Mr. HALDEMAN. I knew that—I think in the recommendation itself which was signed by Director Hoover as chairman of the committee, he had indicated in the various recommendations his disagreement with some of them in spite of the fact that they were the committee recommendation.

He was transmitting them as the committee recommendation with his dissent.

Mr. DASH. Well, now, did Mr. Huston seek to get your assistance in overriding Mr. Hoover's objections?

Mr. HALDEMAN. Yes; I think he did.

Mr. DASH. And did he send a series of memorandums to you with regard to that?

Mr. HALDEMAN. I have seen the memorandums that have been put into exhibit and reprinted in the papers and they would indicate that he did, yes.

Mr. DASH. Well, did you just see them as they were reprinted in the papers or do you actually recall receiving those memorandums and reading them?

Mr. HALDEMAN. I have a general recollection. I cannot identify having seen or acted upon any specific memorandum without looking at it and reviewing it. I do know that there was a definite concern on Mr. Huston's part and on the other side, on the President's part, that there was—we knew there was a problem going into this. One of the reasons for bringing this group together was the fact that communication between the FBI and other intelligence agencies was at best minimal.

Mr. DASH. Let me just show you one memorandum and I think this has already gone into the record. See at least if you can recollect it. It is a memorandum dated August 5, 1970, from Mr. Huston to you, subject, "Domestic Intelligence"\*, which is primarily dealing with the problem of Mr. Hoover's objections and indicating that the program ought to move forward and asking your assistance. I ask you to take a look at it, see if you do recall it and if you do, would you comment on it?

Mr. WILSON. May we keep this, Mr. Dash?

Mr. DASH. It is my only copy at the moment. We can make a Xerox copy for you. Unfortunately, our Xerox machine is broken down. That is why members of our committee do not have copies.

This has been entered in the record at a prior time.

Mr. HALDEMAN. I cannot positively, without any doubt, say I read that memorandum at the time it was sent to me but I have a very clear recollection of the general content of the problem that existed at that time and I probably did read this memorandum.

Mr. DASH. Would it be fair to characterize that memorandum as Mr. Huston being considerably upset over Mr. Hoover's obstinacy in opposing the plan and—

Mr. HALDEMAN. Yes.

Mr. DASH [continuing]. And indicating that it was quite urgent that the plan go forward and seeking your assistance?

Mr. HALDEMAN. Yes.

\*See Book 3, exhibit No. 37, p. 1325.

Kunzig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1969 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

He came to the General Services Administration after 6 years in Pennsylvania State government, where he was secretary of administration and budget secretary under Gov. Raymond P. Shafer, and deputy secretary for procurement, department of property and supplies, under Gov. William W. Scranton. Prior to entering government service, he was employed by the General Electric Co. for 12 years.

Mr. Sampson was born on October 8, 1926, in Warren, R.I. He received his B.S. degree in business administration from the University of Rhode Island in 1951 and has done graduate work at the George Washington University.

Active in several professional organizations, Mr. Sampson was presented the Synergy III Award for outstanding contributions toward the advancement of architecture by the Society of American Registered Architects in 1972. In 1973 he was selected as one of the Top Ten Public Works Men of the Year, and he was named an honorary member of the American Institute of Architects.

He and his wife, Blanche, have four children and reside in Washington, D.C.

NOTE: For the President's statement upon announcing his intention to nominate Mr. Sampson, see the preceding item.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate and those guilty of any illegal actions brought to justice.

## The Watergate Investigation

*Statements by the President. May 22, 1973*

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.

The purpose of this statement is threefold:

—First, to set forth the facts about my own relationship to the Watergate matter;

—Second, to place in some perspective some of the more sensational—and inaccurate—of the charges that have filled the headlines in recent days, and also some of the matters that are currently being discussed in Senate testimony and elsewhere;

—Third, to draw the distinction between national security operations and the Watergate case. To put the other matters in perspective, it will be necessary to describe the national security operations first.

In citing these national security matters, it is not my intention to place a national security “cover” on Watergate, but rather to separate them out from Watergate—and at the same time to explain the context in which certain actions took place that were later misconstrued or misused.

Long before the Watergate break-in, three important national security operations took place which have subsequently become entangled in the Watergate case.

—The first operation, begun in 1969, was a program of wiretaps. All were legal, under the authorities then existing. They were undertaken to find and stop serious national security leaks.

—The second operation was a reassessment, which I ordered in 1970, of the adequacy of internal security measures. This resulted in a plan and a directive to strengthen our intelligence operations. They were protested by Mr. Hoover, and as a result of his protest they were not put into effect.

—The third operation was the establishment, in 1971, of a Special Investigations Unit in the White House. Its primary mission was to plug leaks of vital security information. I also directed this group to prepare an accurate history of certain crucial national security matters which occurred under prior administrations, on which the Government’s records were incomplete.

Here is the background of these three security operations initiated in my Administration.

#### 1969 WIRETAPS

By mid-1969, my Administration had begun a number of highly sensitive foreign policy initiatives. They were aimed at ending the war in Vietnam, achieving a settlement in the Middle East, limiting nuclear arms, and establishing new relationships among the great powers. These involved highly secret diplomacy. They were closely inter-related. Leaks of secret information about any one could endanger all.

Exactly that happened. News accounts appeared in 1969, which were obviously based on leaks—some of them extensive and detailed—by people having access to the most highly classified security materials.

There was no way to carry forward these diplomatic

initiatives unless further leaks could be prevented. This required finding the source of the leaks.

In order to do this, a special program of wiretaps was instituted in mid-1969 and terminated in February 1971. Fewer than 20 taps, of varying duration, were involved. They produced important leads that made it possible to tighten the security of highly sensitive materials. I authorized this entire program. Each individual tap was undertaken in accordance with procedures legal at the time and in accord with longstanding precedent.

The persons who were subject to these wiretaps were determined through coordination among the Director of the FBI, my Assistant for National Security Affairs, and the Attorney General. Those wiretapped were selected on the basis of access to the information leaked, material in security files, and evidence that developed as the inquiry proceeded.

Information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

#### THE 1970 INTELLIGENCE PLAN

In the spring and summer of 1970, another security problem reached critical proportions. In March a wave of bombings and explosions struck college campuses and cities. There were 400 bomb threats in one 24-hour period in New York City. Rioting and violence on college campuses reached a new peak after the Cambodian operation and the tragedies at Kent State and Jackson State. The 1969–70 school year brought nearly 1,800 campus demonstrations and nearly 250 cases of arson on campus. Many colleges closed. Gun battles between guerrilla-style groups and police were taking place. Some of the disruptive activities were receiving foreign support.

Complicating the task of maintaining security was the fact that, in 1966, certain types of undercover FBI operations that had been conducted for many years had been suspended. This also had substantially impaired our ability to collect foreign intelligence information. At the same time, the relationships between the FBI and other intelligence agencies had been deteriorating. By May 1970, FBI Director Hoover shut off his agency’s liaison with the CIA altogether.

On June 5, 1970, I met with the Director of the FBI (Mr. Hoover), the Director of the Central Intelligence Agency (Mr. Richard Helms), the Director of the Defense Intelligence Agency (Gen. Donald V. Bennett), and the Director of the National Security Agency (Adm. Noel Gayler). We discussed the urgent need for better intelligence operations. I appointed Director Hoover as chairman of an interagency committee to prepare recommendations.

On June 25, the committee submitted a report which included specific options for expanded intelligence operations, and on July 23 the agencies were notified by

22. During the first week of July 1970 Huston sent the Special Report and a Top Secret memorandum entitled "Operational Restraints on Intelligence Collection" to Haldeman. In the memorandum Huston recommended that the President, from among the options discussed by the Report, select in most areas discussed the option relaxing the restraints on intelligence collection. Huston specifically noted that covert mail covers and surreptitious entries were illegal but nonetheless recommended that the restraints on the use of these techniques be relaxed. Huston justified his recommendation in part on the past practices of the FBI. Huston also recommended the formation of an interagency evaluation committee, as outlined in the Report.

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OPERATIONAL RESTRAINTS ON INTELLIGENCE COLLECTION

A. Interpretive Restraint on Communications Intelligence. (pp. 23-25)

Recommendation:

Present interpretation should be broadened to permit and program for coverage by NSA of the communications of U. S. citizens using international facilities.

Rationale:

The FBI does not have the capability to monitor international communications. NSA is currently doing so on a restricted basis, and the information it has provided has been most helpful. Much of this information is particularly useful to the White House and it would be to our disadvantage to allow the FBI to determine what NSA should do in this area without regard to our own requirements. No appreciable risk is involved in this course of action.

B. Electronic Surveillances and Penetrations. (pp. 26-28)

Recommendation:

Present procedures should be changed to permit intensification of coverage of individuals and groups in the United States who pose a major threat to the internal security.

ALSO, present procedures should be changed to permit intensification of coverage of foreign nationals and diplomatic establishments in the United States of interest to the intelligence community.

Rationale:

At the present time, less than 65 electronic penetrations are operative. This includes coverage of the CPUSA and organized crime targets, with only a few authorized against subjects of pressing internal security interest.

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Mr. Hoover's statement that the FBI would not oppose other agencies seeking approval for and operating electronic surveillances is gratuitous since no other agencies have the capability.

Everyone knowledgeable in the field, with the exception of Mr. Hoover, concurs that existing coverage is grossly inadequate. CIA and NSA note that this is particularly true of diplomatic establishments, and we have learned at the White House that it is also true of New Left groups.

C. Mail Coverage (pp. 29-31)

Recommendation:

Restrictions on legal coverage should be removed.

ALSO, present restrictions on covert coverage should be relaxed on selected targets of priority foreign intelligence and internal security interest.

Rationale:

There is no valid argument against use of legal mail covers except Mr. Hoover's concern that the civil liberties people may become upset. This risk is surely an acceptable one and hardly serious enough to justify denying ourselves a valuable and legal intelligence tool.

Covert coverage is illegal and there are serious risks involved. However, the advantages to be derived from its use outweigh the risks. This technique is particularly valuable in identifying espionage agents and other contacts of foreign intelligence services.

D. Surreptitious Entry (pp. 32-33)

Recommendation:

Present restrictions should be modified to permit procurement of vitally needed foreign cryptographic material.

ALSO, present restrictions should be modified to permit selective use of this technique against other urgent and high priority internal security targets.

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Rationale:

Use of this technique is clearly illegal: it amounts to burglary. It is also highly risky and could result in great embarrassment if exposed. However, it is also the most fruitful tool and can produce the type of intelligence which cannot be obtained in any other fashion.

The FBI, in ~~the~~ Mr. Hoover's younger days, used to conduct such operations with great success and with no exposure. The information secured was invaluable.

NSA has a particular interest since it is possible by this technique to secure materials with which NSA can break foreign cryptographic codes. We spend millions of dollars attempting to break these codes by machine. One successful surreptitious entry can do the job successfully at no dollar cost.

Surreptitious entry of facilities occupied by subversive elements can turn up information about identities, methods of operation, and other invaluable investigative information which is not otherwise obtainable. This technique would be particularly helpful if used against the Weathermen and Black Panthers.

The deployment of the Executive Protector Force has increased the risk of surreptitious entry of diplomatic establishments. However, it is the belief of all except Mr. Hoover that the technique can still be successfully used on a selective basis.

E. Development of Campus Sources (pp. 34-36)

Recommendation:

Present restrictions should be relaxed to permit expanded coverage of violence-prone campus and student-related groups.

ALSO, CIA coverage of American students (and others) traveling or living abroad should be increased.

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Rationale:

The FBI does not currently recruit any campus sources among individuals below 21 years of age. This dramatically reduces the pool from which sources may be drawn. Mr. Hoover is afraid of a young student surfacing in the press as an FBI source, although the reaction in the past to such events has been minimal. After all, everyone assumes the FBI has such sources.

The campus is the battle-ground of the revolutionary protest movement. It is impossible to gather effective intelligence about the movement unless we have campus sources. The risk of exposure is minimal, and where exposure occurs the adverse publicity is moderate and short-lived. It is a price we must be willing to pay for effective coverage of the campus scene. The intelligence community, with the exception of Mr. Hoover, feels strongly that it is imperative we increase the number of campus sources this fall in order to forestall widespread violence.

CIA claims there are no existing restraints on its coverage of over-seas activities of US nationals. However, this coverage has been grossly inadequate since 1965 and an explicit directive to increase coverage is required.

F. Use of Military Undercover Agents (pp. 37-39)Recommendation:

Present restrictions should be retained.

Rationale:

The intelligence community is agreed that the risks of lifting these restraints are greater than the value of any possible intelligence which could be acquired by doing so.

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BUDGET AND MANPOWER RESTRICTIONS  
(pp. 40-41)

Recommendation:

Each agency should submit a detailed estimate as to projected manpower needs and other costs in the event the various investigative restraints herein are lifted.

Rationale:

In the event that the above recommendations are concurred in, it will be necessary to modify existing budgets to provide the money and manpower necessary for their implementation. The intelligence community has been badly hit in the budget squeeze (I suspect the foreign intelligence operations are in the same shape) and it may ~~be~~ will be necessary to make some modifications. The projected figures should be reasonable, but will be subject to individual review if this recommendation is accepted.

MEASURES TO IMPROVE DOMESTIC INTELLIGENCE OPERATIONS  
(pp. 42-43)

Recommendation:

A permanent committee consisting of the FBI, CIA, NSA, DIA, and the military counterintelligence agencies should be appointed to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, and carry out the other objectives specified in the report.

Rationale:

The need for increased coordination, joint estimates, and responsiveness to the White House is obvious to the intelligence community. There are a number of operational problems which need to be worked out since Mr. Hoover is fearful of any mechanism which might jeopardize his autonomy. CIA would prefer an ad hoc committee to see how the system works, but other members believe that this would merely delay the establishment of effective coordination and joint operations. The value of lifting intelligence collection restraints is proportional to the availability of joint operations and evaluation and the establishment of this inter-agency group is considered imperative.

The testimony of Tom Charles Huston, contained in classified transcripts obtained from the Senate Armed Services Committee, has been withheld from publication in accordance with the rules of that committee.

Mr. Huston testified on May 21, 1973, and in that testimony stated that the Special Report of the Interagency Committee on Intelligence (Ad Hoc) was transmitted to the White House and was submitted to Mr. Haldeman. Mr. Huston prepared a memorandum to accompany submission of the report to Mr. Haldeman, in which Huston outlined his recommendations of options to be approved by the President. Huston recited the risks related to the selection of those options, lifting restraints on intelligence gathering activities, as opposed to the potential benefits. Huston was shown his memorandum entitled "Operational Restraint on Intelligence Collection" and he identified it. He noted that the memorandum went to Mr. Haldeman with the Special Report during the first week of July, 1970.

carrying some of them out, at least, in self-declared, both intentions and in backing, and the reasons for what they were doing.

There was some intelligence—there was some FBI intelligence in this area, there was some Secret Service intelligence in this area as it related to Presidential threats and security. And there was some investigative reporting by the press going on as to the background of some of these activities, and all of these I think would add together to be the sources at that time of what we did have.

Mr. DASH. But is it your statement that you were not fully aware of the specifics of the Huston plan?

Mr. HALDEMAN. I was not—let me get into how that was set up. In the meeting with the President and the heads of the security agencies the problem was outlined and the President made it very clear that he expected some cooperation, which there did not—which did not exist at that time between these agencies, in getting better information, evaluating the information more effectively, and disseminating it so that action could be taken if there was action indicated, or at least awareness—there would be awareness of what was happening or what was going to happen.

The group assembled in his office at that time was designated by the President as a task force to prepare recommendations for him as to what ought to be done, what steps should be taken to meet the problem and carry out the request that the President made of this group.

It is my understanding that that—those agency heads themselves or by designation of members of their staff did set up such a task force under the chairmanship of Director Hoover which prepared an extensive set of recommendations. Mr. Huston worked with them, I understand on this, or at least they transmitted these recommendations to him upon their preparation, and those recommendations were submitted to the President. They were submitted, as was customary procedure to Mr. Huston, the staff man assigned to that project, through Mr. Huston to me and through me to the President.

Mr. DASH. Mr. Huston actually reported to you?

Mr. HALDEMAN. He reported through me in this particular area. He was—well, I do not know where he was assigned at that time. He was sometimes—part of the time he was at the White House he was on the staff of the counsel and part of the time he was on Mr. Buchanan's staff.

Mr. DASH. Well, in reporting to you or through you, you saw all of the papers that were being reviewed, did you not?

Mr. HALDEMAN. I saw all the papers—not all the working papers of the committee. I saw the recommendations that went to the President.

Mr. DASH. All right. Did you read the recommendations that went to the President?

Mr. HALDEMAN. I am not sure I did or not. If I did it was not in any detail. I had an idea it was a proposal for an expanded intelligence activity.

Mr. DASH. Were you aware in that proposal there was a recommendation for both national and internal security, that there be an increased use of wiretapping and surreptitious entry or break-in?

Mr. HALDEMAN. I am not sure whether I was or not. I may very well have been.

23. On July 14, 1970 H. R. Haldeman sent a Top Secret memorandum to Huston stating that the President had approved Huston's recommendations for relaxing restraints on intelligence collection. Haldeman requested that a formal decision memorandum be prepared. On or about July 23, 1970 Huston prepared and distributed to the members of the Ad Hoc Committee a Top Secret decision memorandum, with copies to the President and Haldeman, advising of the President's decision to relax the restraints on intelligence gathering by use of the techniques of covering international communications facilities, electronic surveillance and penetrations, illegal mail covers, surreptitious entries, and development of campus sources.

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Mr. DASH. Do you know why Mr. Hoover opposed the plan?

Mr. HALDEMAN. I am not sure. I do not recall whether this memorandum outlined the nature of his objections or not.

Mr. DASH. Now, are you aware after the plan was submitted to the President, that this plan was in fact approved by the President?

Mr. HALDEMAN. Yes.

Mr. DASH. After that approval, was the plan implemented?

Mr. HALDEMAN. No; it was not. As I understand it, the approval was rescinded, I believe it was 5 days later by notification to the agency head and that, therefore, in effect, the plan was not implemented.

Mr. DASH. Why was it rescinded?

Mr. HALDEMAN. Again, as I understand it, because of Director Hoover's objection to a number of parts of the plan.

Mr. DASH. Did you know that Mr. Mitchell opposed this plan, the Attorney General?

Mr. HALDEMAN. I am not sure that I knew that he did or that he did not.

Mr. DASH. Well, he has testified here before this committee that he was not in on the original planning of the plan but when he first learned about it, I think he says to Mr. DeLoach of the FBI, that he went to see you and the President and strongly opposed it and then the plan was not implemented. He assumed that it was partly on the basis of his objection. Do you recall that?

Mr. HALDEMAN. I do not; but that is not necessarily—I certainly would not deny that. If Mr. Mitchell does feel that is the case, I do not recall—I do recall the plan not being put into effect. I recall considerable discussion back and forth as to whether it would be or not, and the ultimate decision first, to approve and then to rescind.

Mr. DASH. Did you become aware of an in-house White House effort for that special investigative unit after the Huston plan was rescinded?

Mr. HALDEMAN. Well, the step following the rescission of the Huston plan as it is now called, was the formulation of an intelligence evaluation committee that was another interagency and interdepartmental group. It was not an in-house White House group, although there was a White House representative, I believe Mr. Dean, on that intelligence evaluation committee and its purpose was—one of the purposes of the Huston plan, coordination between the various intelligence agencies and an attempt to share and evaluate intelligence.

Mr. DASH. And who was supervising this?

Mr. HALDEMAN. I am not sure. It was set up—it was not an in-house White House unit, as I said, it was an interagency unit. I believe John Dean was the White House representative on it and I am not sure how it was structured.

Mr. DASH. Would it be true that it was Mr. John Dean's role to be liaison for the White House on intelligence programs like this?

Mr. HALDEMAN. Yes; it would be.

Mr. DASH. Now, did there come a time when there was an in-house White House special investigative unit?

Mr. HALDEMAN. You are leading—the question relates, I assume, to this special investigations unit that was set up in 1971.

July 14, 1970

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MEMORANDUM FOR: MR. HUSTON

SUBJECT: Domestic Intelligence Review

The recommendations you have proposed as a result of the review have been approved by the President.

He does not, however, want to follow the procedure you outlined on page 4 of your memorandum regarding implementation. He would prefer that the thing simply be put into motion on the basis of this approval.

The formal official memorandum should, of course, be prepared and that should be the device by which to carry it out.

I realize this is contrary to your feeling as to the best way to get this done. If you feel very strongly that this procedure won't work you had better let me know and we'll take another stab at it. Otherwise let's go ahead.

H. R. HALDEMAN

TOP SECRET

was involved. Through the period of March and April of 1973, I have quite detailed notes regarding Dean conversations because at that time he was giving me information for the President.

#### SECURITY PROBLEMS

Turning to the question of security problems, it has been alleged that there was an atmosphere of fear at the White House regarding security matters. I can state categorically that there was no climate of fear at all. There was, however, a healthy and valid concern for a number of matters in the general area of national security and for a number of other matters in the general area of domestic security. This was a rational concern, and it was of sufficient import to require that considerable thought be given to steps to combat the actual problems and potential dangers that existed.

With regard to leaks of information, especially in the national security area, it became evident in 1969 that leaks of secret information were taking place that seriously jeopardized a number of highly sensitive foreign policy initiatives that had been undertaken by the administration, including the ending of the war in Vietnam, the Middle East crisis, nuclear arms limitation, and the establishment of new relationships among the great powers. These initiatives were closely inter-related; leaks about any one of them could seriously endanger all of them; and such leaks were taking place.

In order to deal with these leaks, a program of wiretaps was instituted in 1969 and continued into early 1971. The President has stated that each of these taps was undertaken in accordance with procedures that were legal at the time and in accord with longstanding practice in this area. This program was authorized by the President of the United States and the wiretaps were determined by coordination between the Director of the FBI, the President's Assistant for National Security Affairs, and the Attorney General of the United States.

In 1970 the domestic security problem reached critical proportions as a wave of bombings and explosions, rioting and violence, demonstrations, arson, gun battles, and other disruptive activities took place across the country—on college campuses primarily—but also in other areas.

In order to deal with this problem, the President set up an inter-agency committee consisting of the Directors of the FBI, the CIA, the Defense Intelligence Agency and the National Security Agency. This committee was instructed to prepare recommendations for the President—which they did. The report they submitted included specific options for expanded intelligence operations and Mr. Huston, the White House staff man for this project, was notified by a memorandum from me of the approval of the President.

As has been reported, Director Hoover expressed opposition to parts of this program and as a result, the agencies were subsequently notified that the approval had been rescinded. This approval was withdrawn before the plan was implemented so the net result was that it never went into effect.

Instead of this program, an Intelligence Evaluation Committee was created in December of 1970 that included representatives of the White House, CIA, FBI, NSA, and the Departments of Justice, Treasury,



The testimony of Tom Charles Huston, contained in classified transcripts obtained from the Senate Armed Services Committee, has been withheld from publication in accordance with the rules of that committee.

Mr. Huston testified on May 21, 1973, and in that testimony stated that in mid-July, 1970, he received a reply memorandum from Mr. Haldeman, stating that the President had approved Huston's recommendations on lifting restraints that had been submitted to the President and that those recommendations were to be implemented. The recommendations were not, however, to be implemented in the manner suggested by Mr. Huston, which would have involved a reconvening of the directors of the intelligence services. Huston identified Haldeman's memorandum, dated July 14, 1970, entitled "Domestic Intelligence Review."

Haldeman's memorandum instructed Huston to prepare a decision memorandum to be sent out to the intelligence services. That decision memorandum was dated July 23, 1970 and sent to the four intelligence agencies.

The testimony of Tom Charles Huston, contained in classified transcripts obtained from the House Armed Services Committee, has been withheld from publication in accordance with the rules of that committee.

Mr. Huston testified on July 9, 1973, and in that testimony stated that he was directed by Mr. Haldeman to send a decision memorandum to the intelligence services indicating that the President had approved Huston's recommendations for lifting restraints on intelligence gathering methods. Huston further testified that he submitted the decision memorandum to Haldeman for his consideration prior to distribution of it to the directors of the intelligence services. The memorandum called to the attention of the intelligence services that the President himself had approved the options to lift restraints on intelligence gathering methods.

Kunzig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1969 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

He came to the General Services Administration after 6 years in Pennsylvania State government, where he was secretary of administration and budget secretary under Gov. Raymond P. Shafer, and deputy secretary for procurement, department of property and supplies, under Gov. William W. Scranton. Prior to entering government service, he was employed by the General Electric Co. for 12 years.

Mr. Sampson was born on October 8, 1926, in Warren, R.I. He received his B.S. degree in business administration from the University of Rhode Island in 1951 and has done graduate work at the George Washington University.

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NOTE: For the President's statement upon announcing his intention to nominate Mr. Sampson, see the preceding item.

## The Watergate Investigation

*Statements by the President. May 22, 1973*

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
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The purpose of this statement is threefold:

—First, to set forth the facts about my own relationship to the Watergate matter;

—Second, to place in some perspective some of the more sensational—and inaccurate—of the charges that have filled the headlines in recent days, and also some of the matters that are currently being discussed in Senate testimony and elsewhere;

—Third, to draw the distinction between national security operations and the Watergate case. To put the other matters in perspective, it will be necessary to describe the national security operations first.

In citing these national security matters, it is not my intention to place a national security "cover" on Watergate, but rather to separate them out from Watergate—and at the same time to explain the context in which certain actions took place that were later misconstrued or misused.

Long before the Watergate break-in, three important national security operations took place which have subsequently become entangled in the Watergate case.

—The first operation, begun in 1969, was a program of wiretaps. All were legal, under the authorities then existing. They were undertaken to find and stop serious national security leaks.

—The second operation was a reassessment, which I ordered in 1970, of the adequacy of internal security measures. This resulted in a plan and a directive to strengthen our intelligence operations. They were protested by Mr. Hoover, and as a result of his protest they were not put into effect.

—The third operation was the establishment, in 1971, of a Special Investigations Unit in the White House. Its primary mission was to plug leaks of vital security information. I also directed this group to prepare an accurate history of certain crucial national security matters which occurred under prior administrations, on which the Government's records were incomplete.

Here is the background of these three security operations initiated in my Administration.

#### 1969 WIRETAPS

By mid-1969, my Administration had begun a number of highly sensitive foreign policy initiatives. They were aimed at ending the war in Vietnam, achieving a settlement in the Middle East, limiting nuclear arms, and establishing new relationships among the great powers. These involved highly secret diplomacy. They were closely interrelated. Leaks of secret information about any one could endanger all.

Exactly that happened. News accounts appeared in 1969, which were obviously based on leaks—some of them extensive and detailed—by people having access to the most highly classified security materials.

There was no way to carry forward these diplomatic

initiatives unless further leaks could be prevented. This required finding the source of the leaks.

In order to do this, a special program of wiretaps was instituted in mid-1969 and terminated in February 1971. Fewer than 20 taps, of varying duration, were involved. They produced important leads that made it possible to tighten the security of highly sensitive materials. I authorized this entire program. Each individual tap was undertaken in accordance with procedures legal at the time and in accord with longstanding precedent.

The persons who were subject to these wiretaps were determined through coordination among the Director of the FBI, my Assistant for National Security Affairs, and the Attorney General. Those wiretapped were selected on the basis of access to the information leaked, material in security files, and evidence that developed as the inquiry proceeded.

Information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

#### THE 1970 INTELLIGENCE PLAN

In the spring and summer of 1970, another security problem reached critical proportions. In March a wave of bombings and explosions struck college campuses and cities. There were 400 bomb threats in one 24-hour period in New York City. Rioting and violence on college campuses reached a new peak after the Cambodian operation and the tragedies at Kent State and Jackson State. The 1969-70 school year brought nearly 1,800 campus demonstrations and nearly 250 cases of arson on campus. Many colleges closed. Gun battles between guerrilla-style groups and police were taking place. Some of the disruptive activities were receiving foreign support.

Complicating the task of maintaining security was the fact that, in 1966, certain types of undercover FBI operations that had been conducted for many years had been suspended. This also had substantially impaired our ability to collect foreign intelligence information. At the same time, the relationships between the FBI and other intelligence agencies had been deteriorating. By May 1970, FBI Director Hoover shut off his agency's liaison with the CIA altogether.

On June 5, 1970, I met with the Director of the FBI (Mr. Hoover), the Director of the Central Intelligence Agency (Mr. Richard Helms), the Director of the Defense Intelligence Agency (Gen. Donald V. Bennett), and the Director of the National Security Agency (Adm. Noel Gayler). We discussed the urgent need for better intelligence operations. I appointed Director Hoover as chairman of an interagency committee to prepare recommendations.

On June 25, the committee submitted a report which included specific options for expanded intelligence operations, and on July 23 the agencies were notified by

memorandum of the options approved. After reconsideration, however, prompted by the opposition of Director Hoover, the agencies were notified 5 days later, on July 28, that the approval had been rescinded. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorization for surreptitious entry—breaking and entering, in effect—on specified categories of targets in specified situations related to national security.

Because the approval was withdrawn before it had been implemented, the net result was that the plan for expanded intelligence activities never went into effect.

The documents spelling out this 1970 plan are extremely sensitive. They include—and are based upon—assessments of certain foreign intelligence capabilities and procedures, which of course must remain secret. It was this unused plan and related documents that John Dean removed from the White House and placed in a safe deposit box, giving the keys to Judge Sirica. The same plan, still unused, is being headlined today.

Coordination among our intelligence agencies continued to fall short of our national security needs. In July 1970, having earlier discontinued the FBI's liaison with the CIA, Director Hoover ended the FBI's normal liaison with all other agencies except the White House. To help remedy this, an Intelligence Evaluation Committee was created in December 1970. Its members included representatives of the White House, CIA, FBI, NSA, the Departments of Justice, Treasury, and Defense, and the Secret Service.

The Intelligence Evaluation Committee and its staff were instructed to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence. I understand that its activities are now under investigation. I did not authorize nor do I have any knowledge of any illegal activity by this Committee. If it went beyond its charter and did engage in any illegal activities, it was totally without my knowledge or authority.

#### THE SPECIAL INVESTIGATIONS UNIT

On Sunday, June 13, 1971, The New York Times published the first installment of what came to be known as "The Pentagon Papers." Not until a few hours before publication did any responsible Government official know that they had been stolen. Most officials did not know they existed. No senior official of the Government had read them or knew with certainty what they contained.

All the Government knew, at first, was that the papers comprised 47 volumes and some 7,000 pages, which had been taken from the most sensitive files of the Departments of State and Defense and the CIA, covering military and diplomatic moves in a war that was still going on.

Moreover, a majority of the documents published with the first three installments in The Times had not been included in the 47-volume study—raising serious questions about what and how much else might have been taken.

There was every reason to believe this was a security leak of unprecedented proportions.

It created a situation in which the ability of the Government to carry on foreign relations even in the best of circumstances could have been severely compromised. Other governments no longer knew whether they could deal with the United States in confidence. Against the background of the delicate negotiations the United States was then involved in on a number of fronts—with regard to Vietnam, China, the Middle East, nuclear arms limitations, U.S.-Soviet relations, and others—in which the utmost degree of confidentiality was vital, it posed a threat so grave as to require extraordinary actions.

Therefore during the week following the Pentagon Papers publication, I approved the creation of a Special Investigations Unit within the White House—which later came to be known as the "plumbers." This was a small group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters. I looked to John Ehrlichman for the supervision of this group.

Egil Krogh, Mr. Ehrlichman's assistant, was put in charge. David Young was added to this unit, as were E. Howard Hunt and G. Gordon Liddy.

The unit operated under extremely tight security rules. Its existence and functions were known only to a very few persons at the White House. These included Messrs. Haldeman, Ehrlichman, and Dean.

At about the time the unit was created, Daniel Ellsberg was identified as the person who had given the Pentagon Papers to The New York Times. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives. Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment. I did not authorize and had no knowledge of any illegal means to be used to achieve this goal.

However, because of the emphasis I put on the crucial importance of protecting the national security, I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention.

Consequently, as President, I must and do assume responsibility for such actions despite the fact that I at no time approved or had knowledge of them.

I also assigned the unit a number of other investigatory matters, dealing in part with compiling an accurate record of events related to the Vietnam war, on which the Government's records were inadequate (many previous

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THE WHITE HOUSE

WASHINGTON

July 23, 1970

TOP SECRET

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MEMORANDUM FOR:

RICHARD HELMS, DIRECTOR  
CENTRAL INTELLIGENCE AGENCY

SUBJECT: DOMESTIC INTELLIGENCE

The President has carefully studied the Special Report of the Interagency Committee on Intelligence (Ad Hoc) and made the following decisions:

1. Interpretive Restraint on Communications Intelligence. National Security Council Intelligence Directive Number 6 (NSCID-6) is to be interpreted to permit NSA to program for coverage the communications of U.S. citizens using international facilities.

2. Electronic Surveillances and Penetrations. The intelligence community is directed to intensify coverage of individuals and groups in the United States who pose a major threat to the internal security. Also, coverage of foreign nationals and diplomatic establishments in the United States of interest to the intelligence community is to be intensified.

3. Mail Coverage. Restrictions on legal coverage are to be removed. Restrictions on covert coverage are to be relaxed to permit use of this technique on selected targets of priority foreign intelligence and internal security interest.

4. Surreptitious Entry. Restraints on the use of surreptitious entry are to be removed. The technique is to be used to permit procurement of vitally needed foreign cryptographic material and against other urgent and high priority internal security targets.

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5. Development of Campus Sources. Coverage of violence-prone campus and student-related groups is to be increased. All restraints which limit this coverage are to be removed. Also, CIA coverage of American students (and others) traveling or living abroad is to be increased. | Gvdc to JEH

6. Use of Military Undercover Agents. Present restrictions are to be retained.

7. Budget and Manpower. Each agency is to submit a detailed estimate as to projected manpower needs and other costs required to implement the above decisions.

8. Domestic Intelligence Operations. A committee consisting of the Directors or other appropriate representatives appointed by the Directors, of the FBI, CIA, NSA, DIA, and the military counter-intelligence agencies is to be constituted effective August 1, 1970, to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, carry out the other objectives specified in the report, and perform such other duties as the President shall, from time to time, assign. The Director of the FBI shall serve as chairman of the committee. Further details on the organization and operations of this committee are set forth in an attached memorandum.

The President has directed that each addressee submit a detailed report, due on September 1, 1970, on the steps taken to implement these decisions. Further such periodic reports will be requested as circumstances merit.

The President is aware that procedural problems may arise in the course of implementing these decisions. However, he is anxious that such problems be resolved with maximum speed and minimum misunderstanding. Any difficulties which may arise should be brought to my immediate attention in order that an appropriate solution may be found and the President's directives implemented in a manner consistent with his objectives.

TOM CHARLES HUSTON

Attachment

cc: The President  
H.R. Haldeman

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ORGANIZATION AND OPERATIONS OF THE INTERAGENCY  
GROUP ON DOMESTIC INTELLIGENCE AND  
INTERNAL SECURITY (IAG)

1. Membership. The membership shall consist of representatives of the FBI, CIA, DIA, NSA, and the counter-intelligence agencies of the Departments of the Army, Navy, and Air Force. To insure the high level consideration of issues and problems which the President expects to be before the group, the Directors of the respective agencies should serve personally. However, if necessary and appropriate, the Director of a member agency may designate another individual to serve in his place.
2. Chairman. The Director of the FBI shall serve as chairman. He may designate another individual from his agency to serve as the FBI representative on the group.
3. Observers. The purpose of the group is to effectuate community-wide coordination and secure the benefits of community-wide analysis and estimating. When problems arise which involve areas of interest to agencies or departments not members of the group, they shall be invited, at the discretion of the group, to join the group as observers and participants in those discussions of interest to them. Such agencies and departments include the Departments of State (I & R, Passport); Treasury (IRS, Customs); Justice (BNDD, Community Relations Service), and such other agencies which may have investigative or law enforcement responsibilities touching on domestic intelligence or internal security matters.
4. White House Liaison. The President has assigned to Tom Charles Huston staff responsibility for domestic intelligence and internal security affairs. He will participate in all activities of the group as the personal representative of the President.
5. Staffing. The group will establish such sub-committees or working groups as it deems appropriate. It will also determine and implement such staffing requirements as it may deem necessary to enable it to carry out its responsibilities, subject to the approval of the President.

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6. Duties. The group will have the following duties:

(a) Define the specific requirements of member agencies of the Intelligence community.

(b) Effect close, direct coordination between member agencies.

(c) Provide regular evaluations of domestic intelligence.

(d) Review policies governing operations in the field of domestic intelligence and develop recommendations.

(e) Prepare periodic domestic intelligence estimates which incorporate the results of the combined efforts of the intelligence community.

(f) Perform such other duties as the President may from time to time assign.

7. Meetings. The group shall meet at the call of the Chairman a member agency, or the White House representative.

8. Security. Knowledge of the existence and purpose of the group shall be limited on a strict "need to know" basis. Operations of, and papers originating with, the group shall be classified "Top Secret-Handle Via Comint Channels Only."

9. Other Procedures. The group shall establish such other procedures as it believes appropriate to the implementation of the duties set forth above.

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July 23, 1970

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MEMORANDUM FOR

RICHARD HELMS, DIRECTOR  
CENTRAL INTELLIGENCE AGENCY

SUBJECT: DOMESTIC INTELLIGENCE

The President has carefully studied the Special Report of the Interagency Committee on Intelligence (Ad Hoc) and made the following decisions:

1. Interpretive Restraint on Communications Intelligence. National Security Council Intelligence Directive Number 6 (NSCID-6) is to be interpreted to permit NSA to program for coverage the communications of U.S. citizens using international facilities.

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2. Electronic Surveillances and Penetrations. The intelligence community is directed to intensify coverage of individuals and groups in the United States who pose a major threat to the internal security. Also, coverage of foreign nationals and diplomatic establishments in the United States of interest to the intelligence community is to be intensified.

3. Mail Coverage. Restrictions on legal coverage are to be removed. Restrictions on covert coverage are to be relaxed to permit use of this technique on selected targets of priority foreign intelligence and internal security interest.

4. Surreptitious Entry. Restraints on the use of surreptitious entry are to be removed. The technique is to be used to permit procurement of vitally needed foreign cryptographic material and against other urgent and high priority internal security targets.

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5. Domestic Intelligence Operations. Coverage of domestic groups and student groups is to be increased. All restrictions which limit this coverage are to be removed. Also, CIA coverage of (American students and others) traveling or living abroad is to be increased.

6. Use of Military Countercover Agents. Present restrictions are to be retained.

7. Budget and Manpower. Each agency is to submit a detailed estimate as to projected manpower needs and other costs required to implement the above decisions.

8. Domestic Intelligence Operations. A committee consisting of the Directors or other appropriate representatives appointed by the Directors, of the FBI, CIA, NSA, DIA, and the military counter-intelligence agencies is to be constituted effective August 1, 1970, to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, carry out the other objectives specified in the report, and perform such other duties as the President shall, from time to time, assign. The Director of the FBI shall serve as chairman of the committee. Further details on the organization and operations of this committee are set forth in an attached memorandum.

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The President has directed that each addressee submit a detailed report, due on September 1, 1970, on the steps taken to implement these decisions. Further such periodic reports will be requested as circumstances merit.

The President is aware that procedural problems may arise in the course of implementing these decisions. However, he is anxious that such problems be resolved with maximum speed and minimum misunderstanding. Any difficulties which may arise should be brought to my immediate attention in order that an appropriate solution may be found and the President's directives implemented in a manner consistent with his objectives.

*Tom Charles Huston*  
TO CHARLES HUSTON

Attachment:

cc: The President

H. R. Haldeman

100931

CONFIDENTIAL - EYES ONLY

DV ORGANIZATION AND OPERATION OF THE CLERKING  
GROUP ON DOMESTIC INTELLIGENCE AND  
INTERNAL SECURITY (LAG)

1. Membership. The membership shall consist of representatives of the FBI, CIA, DIA, NSA, and the counter-intelligence agencies of the Departments of the Army, Navy, and Air Force. To insure the high level consideration of issues and problems which the President expects to be before the group, the Directors of the respective agencies should serve personally. However, if necessary and appropriate, the Director of a member agency may designate another individual to serve in his place.

2. Chairman. The Director of the FBI shall serve as chairman. He may designate another individual from his agency to serve as the FBI representative on the group.

3. Observers. The purpose of the group is to effectuate community-wide coordination and secure the benefits of community-wide analysis and estimating. When problems arise which involve areas of interest to agencies or departments not members of the group, they shall be invited, at the discretion of the group, to join the group as observers and participants in those discussions of interest to them. Such agencies and departments include the Departments of State (I & R, Passport); Treasury (IRS, Customs); Justice (BNDD, Community Relations Service), and such other agencies which may have investigative or law enforcement responsibilities touching on domestic intelligence or internal security matters.

4. White House Liaison. The President has assigned to Tom Charles Huston staff responsibility for domestic intelligence and internal security affairs. He will participate in all activities of the group as the personal representative of the President.

5. Staffing. The group will establish such sub-committees or working groups as it deems appropriate. It will also determine and implement such staffing requirements as it may deem necessary to enable it to carry out its responsibilities, subject to the approval of the President.

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6. Duties. The group will have the following duties:

(a) Define the specific requirements of member agencies of the intelligence community.

(b) Effect close, direct coordination between member agencies.

(c) Provide regular evaluations of domestic intelligence.

(d) Review policies governing operations in the field of domestic intelligence and develop recommendations.

(e) Prepare periodic domestic intelligence estimates which incorporate the results of the combined efforts of the intelligence community.

(f) Perform such other duties as the President may from time to time assign.

7. Meetings. The group shall meet at the call of the Chairman, a member agency, or the White House representative.

8. Security. Knowledge of the existence and purposes of the group shall be limited on a strict "need to know" basis. Operations of, and papers originating with, the group shall be classified "Top Secret-Handle Via Comint Channels Only." 100933

9. Other Procedures. The group shall establish such other procedures as it believes appropriate to the implementation of the duties set forth above.



24. On or before July 27, 1970, Director Hoover met with Attorney General Mitchell, informed Mitchell for the first time of the June 5, 1970 meeting and the July 23, 1970 decision memorandum, and stated Hoover's opposition to the Plan. Mitchell joined with Hoover in opposing the Plan.

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sometime in 1970, Mr. Mitchell, were you aware of concern in the White House and, perhaps, in your own office, the Department of Justice, that the existing intelligence programs against internal dissent or demonstrations throughout the country were lacking and that there was need for some new programs?

Mr. MITCHELL. Well, I think, Mr. Dash, I would put that on the basis that there was lack of adequate intelligence. That probably more importantly so there was failure of coordination among the intelligence-gathering agencies to the point where problems were existing in the country, that there was a general feeling that we did not have, the Government did not have, adequate intelligence to anticipate the activities that were being carried out at that particular time.

Mr. DASH. After the Safe Streets Act of 1968, Mr. Mitchell, you did receive as Attorney General some powers involving electronic surveillance, did you not?

Mr. MITCHELL. Yes, sir, that is correct.

Mr. DASH. Was it your position, publicly taken, that, with regard to internal dissent, you had the power to authorize electronic surveillance without court approval?

Mr. MITCHELL. Well, when you say internal dissent, that is not a sufficiently descriptive term. In addition to that, as you know, the Safe Streets Act did not change measurably the activities that had been carried out in connection with electronic surveillance in prior administrations.

Mr. DASH. What term would you use, "internal security" as a better word?

Mr. MITCHELL. Internal security would, I think, be a better general term to describe it.

Mr. DASH. Right. And it was your position, was it not, that you did have the authority under the act, whether it was prior practice or not, to authorize electronic surveillance without first having to go to a court for approval?

Mr. MITCHELL. I would believe, Mr. Dash, a better way to put it was that we continued the practice that was then in effect concerning the use of electronic surveillance in connection with internal security.

Mr. DASH. Were you aware, Mr. Mitchell, of the so-called Huston plan, which we have received as part of the testimony of this committee, for an interagency intelligence program which would improve somewhat the intelligence gathering in this country?

Mr. MITCHELL. Well, there was a matter of time in connection with it. I was not aware of the fact that the heads of the various agencies were meeting on the subject matter. It came to my attention, was brought to my attention by the Director of the Federal Bureau of Investigation. To the best of my recollection I met with Mr. DeLoach and I met with Mr. Hoover. We discussed the so-called Huston plan which is the term that you have been using. The document that we discussed very briefly, I didn't get into many of the details of it, it was more an oral discussion of it, at that stage had Mr. Hoover's dissent to the provisions of it. I was of the opinion. I needed very little convincing by Mr. DeLoach and Mr. Hoover that this was not the proper approach to the problems that existed at the time, and I joined Mr. Hoover in opposing its implementation.



Mr. DASH. Were you aware, Mr. Mitchell, that the plan did provide for removing certain restrictions against illegal break-ins and electronic surveillance?

Mr. MITCHELL. Oh, yes, these items were discussed in conversations that I had with Mr. DeLoach and Mr. Hoover.

Mr. DASH. Do you recall when you first became aware of the plan?

Mr. MITCHELL. I can't put the date on it. I shouldn't try because I don't recall.

Mr. DASH. Did you have the plan ever in your possession or did you peruse the plan?

Mr. MITCHELL. I had, as I recall, the plan in my possession during the period that the Director of—the Associate Director of the FBI was discussing it with me. As I am sure you are aware, Mr. Dash, this matter was handled and considered aside and apart from the Attorney General. It was considered in the committee that involved the heads of the intelligence gathering community.

Mr. DASH. Well, did you know who in the White House were backing the plan?

Mr. MITCHELL. No, I can't say who was backing it and who was opposed to it but obviously Mr. Huston was apparently backing it because he was the author of part of it. The other people in the White House that I communicated with, at the stage in the process in which I communicated, were understanding of the position that the Director and I were supporting and the matter was disposed of.

Mr. DASH. Well, were you aware of the so-called Haldeman-Huston memos relating to this plan?

Mr. MITCHELL. No, sir; I do not recall seeing any White House correspondence on the subject.

Mr. DASH. Did you know when the plan had at one time been approved by the President?

Mr. MITCHELL. No, sir, I did not know that until these hearings were held.

Mr. DASH. Why did you oppose the plan, Mr. Mitchell?

Mr. MITCHELL. I opposed the plan for the very simple reason that in the case of domestic problems that I was very much opposed to the thought of surreptitious entry, the mail covers, and all of the other aspects of it that were involved at the particular time.

Mr. DASH. To whom did you express this disapproval other than Mr. Hoover or Mr. DeLoach?

Mr. MITCHELL. My recollection is that I talked to both Mr. Haldeman and the President about the subject matter.

Mr. DASH. And do you recall when that was?

Mr. MITCHELL. No, but it was, of course, in the limited timeframe in which this activity took place.

Mr. DASH. Did you know their reaction to your opposition at that time?

Mr. MITCHELL. My recollection is that they, both of them were appreciative of my views on the subject matter and reconsidered it and that was the end of it.

Mr. DASH. Now, during 1971—

Mr. MITCHELL. I say—excuse me, Mr. Dash—when I say reconsider it I don't know how far they had gone into the consideration of it be-

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because there has been too long a practice in this country for one of these agencies to have information about intelligence matters that get into the file in the operative agencies that can carry out a mission to prohibit some of these things just do not have that information, and I think a good example, without knowing the facts, is the recent assassination of the member of the Israeli Embassy here in the District of Columbia. Now, obviously, the greatest amount of intelligence that could possibly come with respect to that matter would be the CIA, and if the CIA were knowledgeable with respect to the individuals that might perpetrate such a crime they certainly have to pass it on to the FBI and the Washington police in order that proper action can be taken.

I use this as a hypothetical case without any specific knowledge.

Senator INOUE. But did not the Huston papers describe something else besides coordination?

Mr. MITCHELL. Oh, yes; very much so.

Senator INOUE. Did they not describe the activities of the DIA and CIA in surveilling citizens, dissident groups, Black Panthers, the Weathermen? We are not talking about foreign enemies.

Mr. MITCHELL. Well, Senator, as I testified yesterday, I did not study the Huston plan. It was discussed with me, and I saw some of the notes from my recollection where Director Hoover objected to it. To the extent that it involved the items that you are talking about, in my opinion, is one of the reasons that it was turned down and not implemented. But I am saying that, and we started this discussion on the basis of CIA and its activities within the country, it has no operational activities and should not have, that is not what it was created for, but there is no rhyme or reason in the world why the intelligence that they have should not be passed on and imparted to the law enforcement or investigative agencies in this country that do have operational responsibilities.

Senator INOUE. Mr. Mitchell, getting back to the Presidential papers, if this committee should decide to issue a subpoena to get these papers, what do you think should be the response of the White House?

Mr. MITCHELL. Well, I am afraid you are going to have to ask Mr. Buzhardt that; he seems to be making most of the decisions over there. I have no opinion on the subject matter.

Senator INOUE. As a former chief law officer, what are your thoughts, sir?

Mr. MITCHELL. I am sorry, Senator. Was that question which you put to me as a former chief? It would depend entirely on the nature of the papers, as we discussed before. If they are matters of Presidential communications I think there is an absolute privilege. If they get into collateral areas where the President is not involved, I think that is an entirely different subject matter.

Senator INOUE. Once again to the Huston papers, you have indicated that your knowledge is limited to a discussion of it but according to testimony you had approved it. Did you approve the Huston plan?

Mr. MITCHELL. No, sir, that is absolutely incorrect. If I may recount what I think the record shows, and certainly what is my recollection, is that with respect to the Huston papers there were conferences held under the aegis of, I presume, Mr. Huston from the White House, among the heads of the intelligence-gathering agencies, the CIA, the

FBI, and the DIA, which resulted in a memorandum that provided for activities with respect to domestic subversives, of course, as well as national security, and involved such things as surreptitious entry of places, mail covers, et cetera. I was not part of that committee. I had no knowledge of it until it was brought to my attention by the Director of the FBI. It was then that the matter was discussed with me and it was then or shortly thereafter that the concept was terminated.

Senator INOUYE. Were you aware that the President of the United States approved the Huston plan?

Mr. MITCHELL. No, sir, I testified yesterday I was not.

Senator INOUYE. Is it not strange that the Attorney General, as a participant in the discussions, that you were not aware of this?

Mr. MITCHELL. As a participant in the discussions? I was not a participant in the discussions with respect to the plan. I was a participant in discussions when Mr. Hoover and, I believe, Mr. DeLoach came to me with their concerns about the matter. I was not a participant in the discussions that led to the formulation of the plan.

Senator INOUYE. But you advised the President of the United States as to your misgivings and reservations?

Mr. MITCHELL. It is my very strong recollection that I advised Mr. Haldeman and the President after it was brought to my attention by Mr. DeLoach and Mr. Hoover.

Senator INOUYE. What is your relationship with Mr. Kalmbach, sir? Do you know him well?

Mr. MITCHELL. Well, I can't say I know him well. I have known Mr. Kalmbach since 1968 and have seen him infrequently over that period of time. I knew him, of course, in connection with the 1968 campaign. Our contacts between 1968 and 1970 or 1971 have been very infrequent; probably more social than anything else. And, of course, I knew him during the 1971-72 campaign, when he was a fundraiser.

Senator INOUYE. Did you have any relationship with him during the month of June, more specifically, 18, 19, and 20, of 1972?

Mr. MITCHELL. Yes; I had a very, very close relationship with Mr. Kalmbach during that particular period of time, because it was during that particular period when I was talking to him daily or perhaps twice a day, because he was kind enough—he along with his wife and the secretaries in his office—to be of great assistance to my wife, who was then out in Newport, and I am sure you know the rest of the story.

Senator INOUYE. Mr. Mitchell, I believe in response to a press inquiry relating to Mr. McCord, your answer was something to the effect that Mr. McCord has a private business and he had several clients and your committee was one of the clients. Isn't it true that you were personally acquainted with Mr. McCord?

Mr. MITCHELL. Well, Senator, you are asking two questions. The press statement that you are talking about was the press statement that I put out when we first found out about the break-in, the burglarization of the Democratic National Committee, where Mr. McCord was involved. Everything in it was actually true.

I had one meeting on April 5 with Mr. McCord—is the only time that I have ever met with the gentleman and talked to him. And that meeting was for the purpose of briefing me as I was coming into my law office, which was in the same building as the Committee To Re-

SECRET/SENSITIVE

28 July 1970

MEMORANDUM FOR THE RECORD

SUBJECT: Discussion with Attorney General Mitchell on Domestic Intelligence

1. During a private meeting with the Attorney General on 27 July 1970, it became clear, to my great surprise, that he had heard nothing whatever about the President's instructions on "Domestic Intelligence" until that very morning. In other words, the Attorney General had not been told of the meeting at the White House on 5 June 1970 or of the ad hoc committee meetings chaired by the FBI which had followed or about the report which was sent to the President around 1 July, setting forth constraints on domestic intelligence collection. As I understand it, the Attorney General first heard about these matters when the Director of the FBI complained to him about a memorandum from Mr. Tom Charles Huston which must be essentially the same text as the one I received under date of 23 July 1970 (#SC 06875-70).

2. I told the Attorney General that we had put our backs into this exercise, because we had thought that he knew all about it and was behind it. The Attorney General was frank with me. In addition, he said that he had told Mr. Hoover to "sit tight" until he (the Attorney General) had an opportunity to discuss this whole matter with the President upon his return to Washington from San Clemente next week.

3. In connection with the problems involved in domestic intelligence collection, I again suggested to the Attorney General that he have a talk with Mr. Sam J. Papich who, I pointed out, has now fully retired from the FBI. The Attorney General again wrote down Mr. Papich's name.

*Richard Helms*  
Richard Helms  
Director

Distribution:

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1 cc - ER w/SC 06875-70

SECRET/SENSITIVE

25. On either July 27 or July 28, 1970 Huston, on instructions from Haldeman, recalled the decision memorandum of July 23, 1970 and requested that the members of the Ad Hoc Committee return their copies to the White House. Haldeman told Huston that Mitchell had called concerning the Plan, that the memorandum would be reconsidered and that Haldeman, Hoover and the Attorney General would meet to discuss the subject. Mitchell has testified that he informed the President and Haldeman of his opposition to the Plan.

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25.1 SUMMARY OF TOM CHARLES HUSTON TESTIMONY,  
MAY 21, 1973, SENATE ARMED SERVICES COM-  
MITTEE EXECUTIVE SESSION, 142-44

The testimony of Tom Charles Huston, contained in classified transcripts obtained from the Senate Armed Services Committee, has been withheld from publication in accordance with the rules of that committee.

Mr. Huston testified on May 21, 1973, and in that testimony stated that shortly after the decision memorandum of July 23, 1970 had been received by Mr. Hoover, Huston received a telephone call from Assistant FBI Director William Sullivan indicating that Hoover had been very upset by the decision memorandum, and that Hoover either had talked or intended to talk to the Attorney General to undertake steps to have the decisions reflected in the memorandum reversed. Huston did not believe that the Attorney General had been consulted as to the contents of the memorandum prior to that time.

Shortly after the telephone conversation with Sullivan, Huston received a call from Haldeman indicating that the Attorney General had talked to the President, or that Haldeman had talked to the Attorney General and then to the President, but that, in any event, Huston was instructed to recall the decision memorandum; that the President desired to reconsider the matter, and that Haldeman, Hoover, and the Attorney General would have a meeting in the near future to discuss the matter.

Huston further testified that he did not send a memorandum out to recall the decision memorandum, but that the recall of the document was arranged through the White House Situation Room. Huston recalled that

25.1 SUMMARY OF TOM CHARLES HUSTON TESTIMONY,  
MAY 21, 1973, SENATE ARMED SERVICES COM-  
MITTEE EXECUTIVE SESSION, 142-44

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although the copies of the document were received back at the White House, it was apparent that each of them had been taken apart by the recipient and copied prior to its return. Huston believed that the decision memorandum was recalled approximately the last week of July or the first week of August 1970.

25.2 SUMMARY OF TOM CHARLES HUSTON TESTIMONY,  
JULY 9, 1973, HOUSE ARMED SERVICES COM-  
MITTEE EXECUTIVE SESSION, 1391-95, 1414-15

The testimony of Tom Charles Huston, contained in classified transcripts obtained from the House Armed Services Committee, has been withheld from publication in accordance with the rules of that committee.

Mr. Huston testified on July 9, 1973, and in that testimony identified a note from CIA Director Helms, indicating that Helms had met with Attorney General Mitchell on July 27, and that, at that meeting, Mitchell had said to Helms that he had only heard of the meeting of the intelligence services and of the Special Report rendered by them that day. Huston further recited that Haldeman had called him and had told him that the Attorney General had talked either to Haldeman or to the President, and that a decision had been made to recall the decision memorandum, pending a further meeting. The recall of the memorandum was, to the best of Huston's recollection, only a matter of a few days after it was sent out. Huston's best recollection was that the recall was five days following the distribution of the decision memorandum.

When the copies of the decision memorandum and the Interagency Report were returned to the White House, several of the copies had indications that the staples had been removed and copies had apparently been made before the return of the documents to the White House. No formal memorandum was sent to recall the decision memorandum and the Report. It was Huston's judgment that the memorandum was recalled as a result of Hoover's contact with the Attorney General, and the intervention of the Attorney General at the White House.



25.2 SUMMARY OF TOM CHARLES HUSTON TESTIMONY,  
JULY 9, 1973, HOUSE ARMED SERVICES COM-  
MITTEE EXECUTIVE SESSION, 1391-95, 1414-15

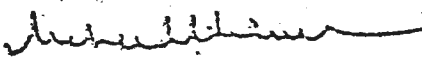
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Each of the agencies involved received only one copy of the memorandum and the Report, and all were returned to the White House. Huston believed that those documents were still physically located at the White House as of July 1973.

Huston understood that a subsequent meeting would be held between Haldeman, Mitchell, and Hoover to discuss Hoover's objections to the President's decision, but Huston did not know if a meeting was actually held. He wrote several memoranda to Haldeman urging that Hoover's objections be overruled and the plan be implemented. He stated that he believed that the President had made the right decision on the plan and that it should be carried into effect. Huston identified copies of his memoranda, dated August 5, 1970, entitled "Domestic Intelligence" and August 7, 1970 entitled "Domestic Intelligence Review."

MEMORANDUM FOR: Mr. McManis

Per your telephone request, I am returning herewith Mr. Huston's memorandum to me, Subject: Domestic Intelligence, dated July 23, 1970.

  
Richard Helms

28 July 1970  
(DATE)

Mr. DASH. Were you aware, Mr. Mitchell, that the plan did provide for removing certain restrictions against illegal break-ins and electronic surveillance?

Mr. MITCHELL. Oh, yes, these items were discussed in conversations that I had with Mr. DeLoach and Mr. Hoover.

Mr. DASH. Do you recall when you first became aware of the plan?

Mr. MITCHELL. I can't put the date on it. I shouldn't try because I don't recall.

Mr. DASH. Did you have the plan ever in your possession or did you peruse the plan?

Mr. MITCHELL. I had, as I recall, the plan in my possession during the period that the Director of—the Associate Director of the FBI was discussing it with me. As I am sure you are aware, Mr. Dash, this matter was handled and considered aside and apart from the Attorney General. It was considered in the committee that involved the heads of the intelligence gathering community.

Mr. DASH. Well, did you know who in the White House were backing the plan?

Mr. MITCHELL. No, I can't say who was backing it and who was opposed to it but obviously Mr. Huston was apparently backing it because he was the author of part of it. The other people in the White House that I communicated with, at the stage in the process in which I communicated, were understanding of the position that the Director and I were supporting and the matter was disposed of.

Mr. DASH. Well, were you aware of the so-called Haldeman-Huston memos relating to this plan?

Mr. MITCHELL. No, sir; I do not recall seeing any White House correspondence on the subject.

Mr. DASH. Did you know when the plan had at one time been approved by the President?

Mr. MITCHELL. No, sir, I did not know that until these hearings were held.

Mr. DASH. Why did you oppose the plan, Mr. Mitchell?

Mr. MITCHELL. I opposed the plan for the very simple reason that in the case of domestic problems that I was very much opposed to the thought of surreptitious entry, the mail covers, and all of the other aspects of it that were involved at the particular time.

Mr. DASH. To whom did you express this disapproval other than Mr. Hoover or Mr. DeLoach?

Mr. MITCHELL. My recollection is that I talked to both Mr. Haldeman and the President about the subject matter.

Mr. DASH. And do you recall when that was?

Mr. MITCHELL. No, but it was, of course, in the limited timeframe in which this activity took place.

Mr. DASH. Did you know their reaction to your opposition at that time?

Mr. MITCHELL. My recollection is that they, both of them were appreciative of my views on the subject matter and reconsidered it and that was the end of it.

Mr. DASH. Now, during 1971—

Mr. MITCHELL. I say—excuse me, Mr. Dash—when I say reconsider it I don't know how far they had gone into the consideration of it be-

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cause as of that particular time to my understanding the plan had not been implemented.

Mr. DASH. Well, did you ever receive any formal notice that the plan had not been approved or had been discontinued or been terminated?

Mr. MITCHELL. Not to my recollection, I was just told verbally that it was nil.

Mr. DASH. Or whether it had been approved?

Mr. MITCHELL. No, sir.

Mr. DASH. During 1971, were you aware of an intelligence operation that had been set up in the White House under Mr. Ehrlichman and Mr. Krogh which has become known as the Plumbers operation?

Mr. MITCHELL. No, sir.

Mr. DASH. Was there a time that you did become aware of that operation?

Mr. MITCHELL. Yes, sir, I did.

Mr. DASH. When was that?

Mr. MITCHELL. After June 17, 1972.

Mr. DASH. Now also, Mr. Mitchell, in 1971 were you aware of the so-called Sandwedge plan proposed by Mr. Caulfield for political intelligence operations?

Mr. MITCHELL. I was aware of the concept that Mr. Caulfield was proposing and, of course, I opposed that and it never came to fruition.

Mr. DASH. Did you ever have a copy of the so-called Sandwedge proposal or plan in your possession?

Mr. MITCHELL. To the best of my knowledge—my knowledge of it came in discussions with John Dean.

Mr. DASH. Were you aware that that plan also included a so-called covert operation and the use of bugging or electronic surveillance?

Mr. MITCHELL. No; I have seen that in one of Mr. Dean's exhibits but that was not the understanding that I had of the so-called Sandwedge proposal.

Mr. DASH. Did you know that the budget included actual funds to purchase electronic surveillance equipment?

Mr. MITCHELL. No, sir; I had never got that far with the subject matter.

Mr. DASH. Now, in any event, after the recommendation of Mr. Caulfield for the so-called Sandwedge plan, did you ask Mr. Caulfield for any operation or any particular assignment?

Mr. MITCHELL. There has been shown to me by this committee a memorandum that had to do with an investigation that apparently was made under Mr. Caulfield's aegis having to do with the so-called McCloskey campaign up in New Hampshire. I do not know who hired him or who paid him. I have seen the memorandum.

Aside from that, I would go to the point that Mr. Caulfield, who I saw on the 24th day of November 1971, wherein Mr. Dean brought him over to discuss the concept of his working for me in the campaign if and when I joined the campaign, Mr. Caulfield did come to work for the committee as what was purported to be an aide-de-camp at some time in March and within 2 weeks or so, he was gone, had left the committee.

FBI, and the DIA, which resulted in a memorandum that provided for activities with respect to domestic subversives, of course, as well as national security, and involved such things as surreptitious entry of places, mail covers, et cetera. I was not part of that committee. I had no knowledge of it until it was brought to my attention by the Director of the FBI. It was then that the matter was discussed with me and it was then or shortly thereafter that the concept was terminated.

Senator INOUE. Were you aware that the President of the United States approved the Huston plan?

Mr. MITCHELL. No, sir, I testified yesterday I was not.

Senator INOUE. Is it not strange that the Attorney General, as a participant in the discussions, that you were not aware of this?

Mr. MITCHELL. As a participant in the discussions? I was not a participant in the discussions with respect to the plan. I was a participant in discussions when Mr. Hoover and, I believe, Mr. DeLoach came to me with their concerns about the matter. I was not a participant in the discussions that led to the formulation of the plan.

Senator INOUE. But you advised the President of the United States as to your misgivings and reservations?

Mr. MITCHELL. It is my very strong recollection that I advised Mr. Haldeman and the President after it was brought to my attention by Mr. DeLoach and Mr. Hoover. *Then why 493?*

Senator INOUE. What is your relationship with Mr. Kalmbach, sir? Do you know him well?

Mr. MITCHELL. Well, I can't say I know him well. I have known Mr. Kalmbach since 1968 and have seen him infrequently over that period of time. I knew him, of course, in connection with the 1968 campaign. Our contacts between 1968 and 1970 or 1971 have been very infrequent; probably more social than anything else. And, of course, I knew him during the 1971-72 campaign, when he was a fundraiser.

Senator INOUE. Did you have any relationship with him during the month of June, more specifically, 18, 19, and 20, of 1972?

Mr. MITCHELL. Yes; I had a very, very close relationship with Mr. Kalmbach during that particular period of time, because it was during that particular period when I was talking to him daily or perhaps twice a day, because he was kind enough—he along with his wife and the secretaries in his office—to be of great assistance to my wife, who was then out in Newport, and I am sure you know the rest of the story.

Senator INOUE. Mr. Mitchell, I believe in response to a press inquiry relating to Mr. McCord, your answer was something to the effect that Mr. McCord has a private business and he had several clients and your committee was one of the clients. Isn't it true that you were personally acquainted with Mr. McCord?

Mr. MITCHELL. Well, Senator, you are asking two questions. The press statement that you are talking about was the press statement that I put out when we first found out about the break-in, the burglarization of the Democratic National Committee, where Mr. McCord was involved. Everything in it was actually true.

I had one meeting on April 5 with Mr. McCord—is the only time that I have ever met with the gentleman and talked to him. And that meeting was for the purpose of briefing me as I was coming into my law office, which was in the same building as the Committee To Re-

Mr. DASH. Were you aware that Mr. Hoover, Director of the FBI, opposed, at least entered his opposition to most of the recommendations in that plan?

Mr. HALDEMAN. I knew that—I think in the recommendation itself which was signed by Director Hoover as chairman of the committee, he had indicated in the various recommendations his disagreement with some of them in spite of the fact that they were the committee recommendation.

He was transmitting them as the committee recommendation with his dissent.

Mr. DASH. Well, now, did Mr. Huston seek to get your assistance in overriding Mr. Hoover's objections?

Mr. HALDEMAN. Yes; I think he did.

Mr. DASH. And did he send a series of memorandums to you with regard to that?

Mr. HALDEMAN. I have seen the memorandums that have been put into exhibit and reprinted in the papers and they would indicate that he did, yes.

Mr. DASH. Well, did you just see them as they were reprinted in the papers or do you actually recall receiving those memorandums and reading them?

Mr. HALDEMAN. I have a general recollection. I cannot identify having seen or acted upon any specific memorandum without looking at it and reviewing it. I do know that there was a definite concern on Mr. Huston's part and on the other side, on the President's part, that there was—we knew there was a problem going into this. One of the reasons for bringing this group together was the fact that communication between the FBI and other intelligence agencies was at best minimal.

Mr. DASH. Let me just show you one memorandum and I think this has already gone into the record. See at least if you can recollect it. It is a memorandum dated August 5, 1970, from Mr. Huston to you, subject, "Domestic Intelligence"\*, which is primarily dealing with the problem of Mr. Hoover's objections and indicating that the program ought to move forward and asking your assistance. I ask you to take a look at it, see if you do recall it and if you do, would you comment on it?

Mr. WILSON. May we keep this, Mr. Dash?

Mr. DASH. It is my only copy at the moment. We can make a Xerox copy for you. Unfortunately, our Xerox machine is broken down. That is why members of our committee do not have copies.

This has been entered in the record at a prior time.

Mr. HALDEMAN. I cannot positively, without any doubt, say I read that memorandum at the time it was sent to me but I have a very clear recollection of the general content of the problem that existed at that time and I probably did read this memorandum.

Mr. DASH. Would it be fair to characterize that memorandum as Mr. Huston being considerably upset over Mr. Hoover's obstinacy in opposing the plan and—

Mr. HALDEMAN. Yes.

Mr. DASH [continuing]. And indicating that it was quite urgent that the plan go forward and seeking your assistance?

Mr. HALDEMAN. Yes.

\*See Book 3, exhibit No. 37, p. 1323.

Mr. DASH. Do you know why Mr. Hoover opposed the plan?

Mr. HALDEMAN. I am not sure. I do not recall whether this memorandum outlined the nature of his objections or not.

Mr. DASH. Now, are you aware after the plan was submitted to the President, that this plan was in fact approved by the President?

Mr. HALDEMAN. Yes.

Mr. DASH. After that approval, was the plan implemented?

Mr. HALDEMAN. No; it was not. As I understand it, the approval was rescinded, I believe it was 5 days later by notification to the agency head and that, therefore, in effect, the plan was not implemented.

Mr. DASH. Why was it rescinded?

Mr. HALDEMAN. Again, as I understand it, because of Director Hoover's objection to a number of parts of the plan.

Mr. DASH. Did you know that Mr. Mitchell opposed this plan, the Attorney General?

Mr. HALDEMAN. I am not sure that I knew that he did or that he did not.

Mr. DASH. Well, he has testified here before this committee that he was not in on the original planning of the plan but when he first learned about it, I think he says to Mr. DeLoach of the FBI, that he went to see you and the President and strongly opposed it and then the plan was not implemented. He assumed that it was partly on the basis of his objection. Do you recall that?

Mr. HALDEMAN. I do not; but that is not necessarily—I certainly would not deny that. If Mr. Mitchell does feel that is the case, I do not recall—I do recall the plan not being put into effect. I recall considerable discussion back and forth as to whether it would be or not, and the ultimate decision first, to approve and then to rescind.

Mr. DASH. Did you become aware of an in-house White House effort for that special investigative unit after the Huston plan was rescinded?

Mr. HALDEMAN. Well, the step following the rescission of the Huston plan as it is now called, was the formulation of an intelligence evaluation committee that was another interagency and interdepartmental group. It was not an in-house White House group, although there was a White House representative, I believe Mr. Dean, on that intelligence evaluation committee and its purpose was—one of the purposes of the Huston plan, coordination between the various intelligence agencies and an attempt to share and evaluate intelligence.

Mr. DASH. And who was supervising this?

Mr. HALDEMAN. I am not sure. It was set up—it was not an in-house White House unit, as I said, it was an interagency unit. I believe John Dean was the White House representative on it and I am not sure how it was structured.

Mr. DASH. Would it be true that it was Mr. John Dean's role to be liaison for the White House on intelligence programs like this?

Mr. HALDEMAN. Yes; it would be.

Mr. DASH. Now, did there come a time when there was an in-house White House special investigative unit?

Mr. HALDEMAN. You are leading—the question relates, I assume, to this special investigations unit that was set up in 1971.

THE WHITE HOUSE  
WASHINGTON

August 5, 1970

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EYES ONLY

MEMORANDUM FOR H. R. HALDEMAN

FROM: TOM CHARLES HUSTON

SUBJECT: DOMESTIC INTELLIGENCE

In anticipation of your meeting with Mr. Hoover and the Attorney General, I would like to pass on these thoughts:

1. More than the FBI is involved in this operation. NSA, DIA, CIA, and the military services all have a great stake and a great interest. All of these agencies supported the options selected by the President. For your private information, so did all the members of Mr. Hoover's staff who worked on the report (he'd fire them if he knew this.)

Sullivan

James SSC 2/25/74 42



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3. We are not getting the type of hard intelligence we need at the White House. We will not get it until greater effort is made through community-wide coordination to dig out the information by using all the resources potentially available. It is, of course, a matter of balancing the obvious risks against the desired results. I thought we balanced these risks rather objectively in the report, and Hoover is escalating the risks in order to cloak his determination to continue to do business as usual.

4. At some point, Hoover has to be told who is President. He has become totally unreasonable and his conduct is detrimental to our domestic intelligence operations. In the past two weeks, he has terminated all FBI liaison with NSA, DIA, the military services, Secret Service -- everyone except the White House. He terminated liaison with CIA in May. This is bound to have a crippling effect upon the entire community and is contrary to his public assurance to the President at the meeting that there was close and effective coordination and cooperation within the intelligence community. It is important to remember that the entire intelligence community knows that the President made a positive decision to go ahead and Hoover has now succeeded in forcing a review. If he gets his way it is going to look like he is more powerful than the President. He had his say in the footnotes and RN decided against him. That should close the matter and I can't understand why the AG is a party to reopening it. All of us are going to look damn silly in the eyes of Helms, Gayler, Bennett, and the military chiefs if Hoover can unilaterally reverse a Presidential decision based on a report that many people worked their asses off to prepare and which, on its merits, was a first-rate, objective job.

5. The biggest risk we could take, in my opinion, is to continue to regard the violence on the campus and in the cities as a temporary phenomenon which will simply go away as soon as the Scranton Commission files its report. The one statement that Rennie Davis made at HEW which I thought made sense was that the Attorney

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General was kidding himself when he said the campuses would be quiet this fall. Davis predicted that at least 30 would be closed down in September. I don't like to make predictions, but I am not at all convinced, on the basis of the intelligence I have seen, that we are anyway near over the hump on this problem, and I am convinced that the potential for even greater violence is present, and we have a positive obligation to take every step within our power to prevent it.

6. Hoover can be expected to raise the following points in your meeting:

(a) "Our present efforts are adequate." The answer is bullshit! This is particularly true with regard to FBI campus coverage.

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(b) "The risks are too great; these folks are going to get the President into trouble and RN had better listen to me." The answer is that we have considered the risks, we believe they are acceptable and justified under the circumstances. We are willing to weigh each exceptionally sensitive operation on its merits, but the Director of the FBI is paid to take risks where the security of the country is at stake. Nothing we propose to do has not been done in the past -- and in the past it was always done successfully.

(c) "I don't have the personnel to do the job the President wants done." The answer is (1) he has the people and/or (2) he can get them.

(d) "I don't object to NSA conducting surreptitious entry if they want to." The answer is that NSA doesn't have the people, can't get them, has no authority to get them, and shouldn't have to get them. It is an FBI job.

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(e) "If we do these things the 'jackals of the press' and the ACLU will find out; we can't avoid leaks." Answer: We can avoid leaks by using trained, trusted agents and restricting knowledge of sensitive operations on a strict need to know basis. We do this on other sensitive operations every day.

(f) "If I have to do these things, the Attorney General will have to approve them in writing." This is up to the AG, but I would tell Hoover that he has been instructed to do them by the President and he is to do them on that authority. He needn't look for a scape goat. He has his authority from the President and he doesn't need a written memo from the AG. To maintain security, we should avoid written communications in this area.

(g) "We don't need an Inter-Agency Committee on Intelligence Operations because (1) we're doing fine right now -- good coordination, etc. -- and (2) there are other existing groups which can handle this assignment." The answer is that we are doing lousy right now and there aren't other groups which can do the job we have in mind because: (1) they don't meet; (2) they don't have the people on them we want or have some people we don't want; (3) they don't have the authority to do what we want done; (4) ultimately this new operation will replace them; and (5) they aren't linked to the White House staff.

\*

There are doubtless another dozen or so specious arguments that Hoover will raise, but they will be of similar quality. I hope that you will be able to convince the AG of the importance and necessity of getting Hoover to go along. We have worked for nearly a year to reach this point; others have worked far longer and had abandoned hope. I believe we are talking about the future of this country, for surely domestic violence and disorder threaten the very fabric of our society. Intelligence is not the cure, but it can provide the diagnosis that makes a cure possible. More importantly, it can provide us with the means to prevent the

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deterioration of the situation. Perhaps lowered voices and peace in Vietnam will defuse the tense situation we face, but I wouldn't want to rely on it exclusively.

There is this final point. For eighteen months we have watched people in this government ignore the President's orders, take actions to embarrass him, promote themselves at his expense, and generally make his job more difficult. It makes me fighting mad, and what Hoover is doing here is putting himself above the President. If he thought the Attorney General's advice should be solicited, he should have done so before the report was sent to the President. After all, Hoover was chairman of the committee and he could have asked the AG for his comments. But no, he didn't do so for it never occurred to him that the President would not agree with his footnoted objections. He thought all he had to do was put in a footnote and the matter was settled. He had absolutely no interest in the views of NSA, CIA, DIA, and the military services, and obviously he has little interest in our views, or apparently even in the decisions of the President. I don't see how we can tolerate this, but being a fatalist, if not a realist, I am prepared to accept the fact that we may have to do so.

*Tom*  
TOM CHARLES HUSTON

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THE WHITE HOUSE  
WASHINGTON

DR

CONFIDENTIAL

August 7, 1970

MEMORANDUM FOR H. R. HALDEMAN

SUBJECT: DOMESTIC INTELLIGENCE REVIEW

Mr. Hoover has departed for the West Coast where he plans to vacation for three weeks. If you wait until his return to clear up the problems surrounding our Domestic Intelligence operations, we will be into the new school year without any preparation.

The situation in Portland is beginning to look very tense -- the American Legion Convention could become the first battleground for a new wave of youthful violence. Coming just as the school year begins, it could serve as a catalyst for widespread campus disorders.

I recommend that you meet with the Attorney General and secure his support for the President's decisions, that the Director be informed that the decisions will stand, and that all intelligence agencies are to proceed to implement them at once.

Tom  
TOM CHARLES HUSTON

CONFIDENTIAL

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Source: 2/25/74

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26. In or around August 1970 H. R. Haldeman transferred White House responsibility for matters of domestic intelligence for internal security purposes from Tom Charles Huston to John Dean. On September 17, 1970 Dean and Attorney General Mitchell discussed procedures for commencing a domestic intelligence operation. On September 18, 1970 Dean wrote a memorandum to the Attorney General regarding the establishment of an interagency domestic intelligence unit and the use of an existing group called the Inter-Divisional Information Unit (IDIU) as a cover for the operation of the new unit. Dean recommended that restraints should be removed as necessary to obtain needed intelligence rather than on a blanket basis. Dean informed Mitchell that Haldeman had suggested he would be happy to join Mitchell in a meeting with Hoover.

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The testimony of Tom Charles Huston, contained in classified transcripts obtained from the Senate Armed Services Committee, has been withheld from publication in accordance with the rules of that committee.

Mr. Huston testified on May 21, 1973, and in that testimony stated that he believed the recall of the decision memorandum for the implementation of the Special Report of the Interagency Committee on Intelligence (Ad Hoc) occurred in either the last week of July or the first week of August 1970. It was at about that time that John Dean came to the White House from the Justice Department as counsel to the President. When Dean arrived at the White House, Huston was told by Haldeman that Dean would henceforth take over the duties that Huston had had in respect to internal security matters. Thereafter, Huston did not deal with those matters.



ligence-gathering capability of the Government regarding demonstrations prevailed through my tenure at the Justice Department and the White House, and I was hearing complaints from the President personally as late as March 12 of this year.

It was when I joined the White House staff in July of 1970 that I became fully aware of the extent of concern at the White House regarding demonstrations and intelligence information relating to demonstrators. It was approximately 1 month after I arrived at the White House that I was informed about the project that had been going on before I arrived to restructure the Government's intelligence-gathering capacities vis-a-vis demonstrators and domestic radicals. The revised domestic intelligence plan was submitted in a document forwarded for the President's approval.

The committee has in its possession a copy of that document and certain related memorandums pursuant to the order of Judge Sirica. After I was told of the Presidentially approved plan, that called for bugging, burglarizing, mailcovers, and the like, I was instructed by Haldeman to see what I could do to get the plan implemented. I thought the plan was totally uncalled for and unjustified. I talked with Mitchell about the plan, and he said he knew there was a great desire at the White House to see the plan implemented, but he agreed fully with FBI Director Hoover, who opposed the plan, with one exception: Mitchell thought that an interagency evaluation committee might be useful, because it was not good to have the FBI standing alone without the information of other intelligence agencies and the sharing of information is always good and avoids duplication. After my conversation with Mitchell, I write a memorandum requesting that the evaluation committee be established, and the restraints could be removed later. I told Mr. Haldeman that the only way to proceed was one step at a time, and this could be an important first step. He agreed.

The Interagency Evaluation Committee (IEC) as it was referred to, was created, as I recall, in early 1971. I requested that Jack Caulfield, who had been assigned to my office, to serve as the White House liaison to the IEC, and when Mr. Caulfield left the White House, Mr. David Wilson of my staff served as liaison. I am unaware of the IEC ever having engaged in any illegal activities or assignments, and certainly no such assignment was ever requested by my office. The reports from the IEC, or summaries of the reports were forwarded to Mr. Haldeman and sometimes Ehrlichman.

In addition to the intelligence reports from the IEC, my office also received regular intelligence reports regarding demonstrators and radical groups from the FBI and on some occasions, from the CIA. A member of my staff would review the material to determine if it should be forwarded to Mr. Haldeman—that is, for bringing to the President's attention—or sent to another member of the staff who might have an interest in the contents of the report.

The committee has in its—Mr. Chairman, from time to time, I am going to skip parts of the statement in an effort to make sure that I can move as quickly as possible and get the statement completed in as short a time as possible.

Senator ERVIN. I believe it is important to read the whole statement since you thought it was important enough to write it.

Mr. DEAN. I will honor the chairman's wish.

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information, I want to deal as one man looking in another man's eye and know that man for the reaction I get from him just dealing across the table; I do not want to know what he has been doing all his life or the like. I said, that is for others to judge rather than me. I just merely want to tell you the results of my negotiations.

So I was not involved in intelligence from the outset. Now, as I testified, I did become aware from time to time of requests from the White House because of my proximity to the decisionmaking processes for various intelligence that would relate to political figures in their associations with the demonstrations and also, I was hearing complaints that the White House staff was unhappy about the quality of this intelligence. But my role was merely a conduit from the demonstration leaders back to a major committee that would make decisions and talk about what I would report. In fact, I would often put myself, in that I could be most effective in this capacity, in the role of advocating the position of the demonstrators. Because many times, I thought they had a good point.

For example, one I thought that the Government was taking a terrible beating on was in the November moratorium on this big issue of Pennsylvania Avenue versus no Pennsylvania Avenue. I thought that the demonstrators got \$1 million worth of publicity or \$2 million worth of publicity out of the Government's posture on refusing to give Pennsylvania Avenue. Instead, they insisted that they go down Constitution Avenue. I did not see that it made all that much difference in the long and short of it.

Senator INOUE. Immediately after you were appointed counsel to the President, did you not take over the responsibilities of Mr. Tom Huston in connection with intelligence activities?

Mr. DEAN. I think that you would have to know Tom Huston and my relationship with Tom Huston to know that there was no way I would take over anything regarding Mr. Tom Huston. He is a very brilliant, independent man. He would not, I did not even know what he was doing half the time. In fact, it was some months after he had joined my staff that I learned he had some sort of scrambler phone locked in a safe beside him and he made a lot of calls.

Mr. Huston did an awful lot of things that I have no idea what he was doing in the intelligence field. The only thing I know is that at that point, he was the liaison for receipt of FBI information regarding radical groups and he would be the distributor throughout the White House and he put me on a distribution list. Most of this material was not even to me, worth reading because I was not particularly interested, unless it was a very current demonstration.

So I inherited Mr. Huston. Mr. Huston and I worked with a friendly relationship. As I say, he is a very independent man and he and I think a little differently and handle memorandums a little differently.

I recall one rather interesting occasion when he prepared a rather strong and blunt memorandum for my signature to the Attorney General, on a very minor request for something. The memorandum was in my mail stack. I read it quickly and didn't think much about it; I was signing the mail. Two days later. I had a call from Mr. Kleindienst and he said, in short, who in the hell do you think you are writing a memorandum like that to the Attorney General of the United States? Now that you are up at the White House, you think you are high and mighty.

I might add here it is from Mr. Haldeman to Mr. Huston—

The recommendations you have proposed as a result of the review have been approved by the President. He does not, however, want to follow the procedure you have outlined on page 4 of your memorandum regarding implementation. He would prefer that the thing simply be put into motion on the basis of this approval. The formal official memorandum should, of course, be prepared and should be the device by which to carry it out.

I realize this is contrary to your feeling as to the best way to get this done. I feel very strongly that this procedure won't work and you had better let me know and we will take another stab at it. Otherwise let's go ahead.

Senator ERVIN. Now, that letter can only be construed as a statement on the part of Mr. H. R. Haldeman to Mr. Tom Charles Huston, the aide in charge of domestic intelligence, to the effect that the President of the United States had approved his recommendations about removing the limitations on electronic surveillance and penetration, surreptitious entry or burglary, the use of mail coverage, and of sources of information on the campuses and the military undercover agents for the purposes of gathering information upon the objectives of that.

Mr. DEAN. That is correct, Mr. Chairman.

Senator ERVIN. Now, when did Mr. Huston leave the White House?

Mr. DEAN. I do not recall specifically the date. It seems to me he was on my staff 6 or 8 months at the most, as I recall. He had been talking about leaving for some time and returning to private practice. This had been one of his pet projects. He had apparently gotten into a serious dispute with Mr. Hoover over it and he felt that his effectiveness at getting this accomplished had been diminished as a result of the fact that his plan was not being implemented and was floundering. I can recall him coming to me and asking me if I could do anything. I told him I could not.

Senator ERVIN. Now, do you not know that this plan was approved for use by the President without the prior knowledge of Mr. Mitchell?

Mr. DEAN. I do not know that for a fact, no, sir. When I talked to Mr. Mitchell about it, it had reached the stage that they wanted to do something. Mr. Mitchell and I talked about it and we decided that the best thing to do was to create the IEC and that would possibly satisfy everybody's request to do something.

Senator ERVIN. Now, the IEC, in effect, was a proposal to set up a group representing or representatives from the FBI, CIA, NSA, DIA, and the counterintelligence units of the Army, Navy, and Air Force to furnish information about the activities of all of these agencies to the White House?

Mr. DEAN. I believe that is correct, but I believe that at that time also, the military—I am not sure they were involved because they had already made a decision that they were not going to do any domestic intelligence work.

Senator ERVIN. Now, as a lawyer, you are aware of the fact that the section 403(d)(3) of title 50 of the United States Code provides that the CIA "shall have no police, subpoena, law enforcement powers, or internal security functions"—

Mr. DEAN. Domestically.

Senator ERVIN. Yes; internal security functions.

Mr. DEAN. Yes; I was entirely aware of that. I was not specifically aware of the statute.

26.4 JOHN MITCHELL LOG, SEPTEMBER 17, 1970

Thursday, Sept. 17, 1970

- 8 45 Saw Will Wilson with Mr. Nichols ? re 1010?
- 8 50 Saw J. Hushen
- 9 10 Met with midwestern mavors on terrorism with  
Mr. Wilson and Nichols of Criminal Div.; Mr.  
Gunther of Conf. of U.S. Mayors, Senator Hruska and  
Cong. McGregor: - presumably Clark MacGregor Minnesota 3rd Dist  
defeated in 70 Senate race  
by Hubert Humphrey,  
became Committee to  
Pier F. Logy Liaison  
Alameda 403
- 10 45 Above held press conference in DAG's office
- 11 00 saw Will Wilson
- 11 25 Retd. John Alexander's call & t.
- 11 36 Called Norm Carlson & t.
- 11 40 saw Senator Bellmon and staff aide
- 12 01 called Henry Kissinger & t.
- 12 04 called Gov. Reagan & t.
- 12 10 Left for CIA in Va. to have lunch with Director Helm  
re 1010 Dean 31
- 2 38 Pete Flanigan called & t.
- 2 50 Saw Ken Rosen
- 3 05 Kevin Phillips called & t.
- [ 3 22 Saw John Dean
- 4 00 Pete Flanigan called & t.
- 4 05 DAG called & t.
- 4 10 Saw Alexander Hehmeyer of Chicago
- 4 33 called Wally Johnson & t.
- 5 00 Attended Staff Meeting (Dr. Kissinger, speaker)

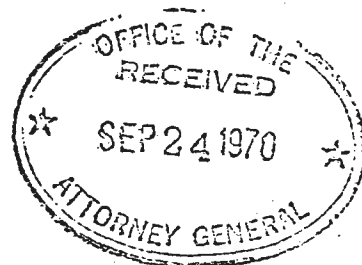
THE WHITE HOUSE  
WASHINGTON

September 18, 1970

TOP SECRET

MEMORANDUM FOR

THE ATTORNEY GENERAL



Pursuant to our conversation yesterday, September 17, 1970, I suggest the following procedures to commence our domestic intelligence operation as quickly as possible.

1. Interagency Domestic Intelligence Unit. A key to the entire operation will be the creation of a interagency intelligence unit for both operational and evaluation purposes. Obviously, the selection of persons to this unit will be of vital importance to the success of the mission. As we discussed, the selection of the personnel for this unit is an appropriate first step for several reasons. First, effective coordination of the different agencies must be developed at an early stage through the establishment of the unit. Second, Hoover has indicated a strong opposition to the creation of such a unit and, to bring the FBI fully on board, this seems an appropriate first step to guarantee their proper and full participation in the program. Third, the unit can serve to make appropriate recommendations for the type of intelligence that should be immediately pursued by the various agencies. In regard to this third point, I believe we agreed that it would be inappropriate to have any blanket removal of restrictions; rather, the most appropriate procedure would be to decide on the type of intelligence we need, based on an assessment of the recommendations of this unit, and then to proceed to remove the restraints as necessary to obtain such intelligence.

To proceed to create the interagency intelligence unit, particularly the evaluation group or committee, I recommend that we request the names of four nominees from each of the intelligence agencies involved. While the precise composition of the unit may vary as we gain experience, I think that two members should be appointed initially from each agency in addition to your personal representative who should also be involved in the proceedings. Because of the interagency aspects of this request, it would probably be best if the request came from the White House. If you agree, I will make such a request of the agency

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heads; however, I feel that it is essential that you work this out with Hoover before I have any dealings with him directly.

2. Housing. We discussed the appropriate housing of this operation and, upon reflection, I believe that rather than a White House staffer looking for suitable space, that a professional intelligence person should be assigned the task of locating such space. Accordingly, I would suggest that a request be made that Mr. Hoover assign an agent to this task. In connection with the housing problem, I think serious consideration must be given to the appropriate Justice Department cover for the domestic intelligence operation. We discussed yesterday using IDIU as a cover and as I indicated I believe that that is a most appropriate cover. I believe that it is generally felt that IDIU is already a far more extensive intelligence operation than has been mentioned publicly, and that the IDIU operation cover would eliminate the problem of discovering a new intelligence operation in the Department of Justice. However, I have reservations about the personnel in IDIU and its present operation activities and would suggest that they either be given a minor function within the new intelligence operation or that the staff be completely removed. I have had only incidental dealings with the personnel, other than Jim Devine, and cannot speak to their discretion and loyalty for such an operation. I do not believe that Jim Devine is capable of any major position within the new intelligence operation. However, I do believe that he could help perpetuate the cover and he has evidenced a loyalty to you, the Deputy and other key people in the Department of Justice, despite his strong links with the prior Administration. I would defer to your judgement, of course, on any recommendation regarding Jim Devine's continued presence in such an intelligence operation.

3. Assistant to Attorney General. We also discussed the need for you to have a right hand man to assist in running this operation. It would seem that what is needed is a man with administrative skills, a sensitivity to the implications of the current radical and subversive movements within the United States, and preferably, some background in intelligence work. To maintain the cover, I would think it appropriate for the man to have a law degree in that he will be a part of the Department of Justice. You suggested the possibility of using a prosecutor who had had experience with cases of this type. Accordingly, I have spoken with Harlington Wood to ask him to submit the names of five Assistant U. S. Attorneys who have had experience in dealing with demonstrations or riot type cases and who are mature individuals that might be appropriately given a sensitive

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assignment in the Department of Justice. I did not discuss the matter in any further detail with Wood other than to request the submission of some nominees. I would also like to suggest that we request names from the various intelligence agencies involved for personnel that might be appropriately involved in this activity or who might serve as your assistant.

In summary, I recommend the following immediate action:

(1) You meet with Hoover, explain what must be done, and request his nominees for the interagency unit.

(2) You request that Hoover assign an agent to the task of locating appropriate housing for the operations.

(3) I request that other involved intelligence agencies submit nominees for the interagency unit.

(4) I request from the agencies names of appropriate personnel for assignment to the operation.

Finally, I would suggest that you call weekly meetings to monitor the problems as they emerge and to make certain that we are moving this program into implementation as quickly as possible..



JOHN DEAN

N.B. Bob Haldeman has suggested to me that if you would like him to join you in a meeting with Hoover he will be happy to do so.

TOP SECRET

The testimony of Tom Charles Huston, contained in classified transcripts obtained from the House Armed Services Committee, has been withheld from publication in accordance with the rules of that committee.

Mr. Huston testified on July 9, 1973, and in that testimony stated that in late August or early September, 1970 Haldeman had told Huston that John Dean would thereafter have responsibilities, as counsel for the President, for all matters relating to internal security and domestic intelligence. Huston believed that this shift in responsibilities resulted from Hoover's irritation at Huston's recommendations in connection with the Special Report. Huston met shortly thereafter with Dean and reviewed the plan and the fact that Dean would assume responsibility for it thereafter.



27. In or before December 1970 the Intelligence Evaluation Committee was created to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence.

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Kunzig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1969 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

He came to the General Services Administration after 6 years in Pennsylvania State government, where he was secretary of administration and budget secretary under Gov. Raymond P. Shafer, and deputy secretary for procurement, department of property and supplies, under Gov. William W. Scranton. Prior to entering government service, he was employed by the General Electric Co. for 12 years.

Mr. Sampson was born on October 8, 1926, in Warren, R.I. He received his B.S. degree in business administration from the University of Rhode Island in 1951 and has done graduate work at the George Washington University.

Active in several professional organizations, Mr. Sampson was presented the Synergy III Award for outstanding contributions toward the advancement of architecture by the Society of American Registered Architects in 1972. In 1973 he was selected as one of the Top Ten Public Works Men of the Year, and he was named an honorary member of the American Institute of Architects.

He and his wife, Blanche, have four children and reside in Washington, D.C.

NOTE: For the President's statement upon announcing his intention to nominate Mr. Sampson, see the preceding item.

## The Watergate Investigation

*Statements by the President. May 22, 1973*

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate and those guilty of any illegal actions brought to justice.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.

memorandum of the options approved. After reconsideration, however, prompted by the opposition of Director Hoover, the agencies were notified 5 days later, on July 23, that the approval had been rescinded. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorization for surreptitious entry—breaking and entering, in effect—on specified categories of targets in specified situations related to national security.

Because the approval was withdrawn before it had been implemented, the net result was that the plan for expanded intelligence activities never went into effect.

The documents spelling out this 1970 plan are extremely sensitive. They include—and are based upon—assessments of certain foreign intelligence capabilities and procedures, which of course must remain secret. It was this unused plan and related documents that John Dean removed from the White House and placed in a safe deposit box, giving the keys to Judge Sirica. The same plan, still unused, is being headlined today.

Coordination among our intelligence agencies continued to fall short of our national security needs. In July 1970, having earlier discontinued the FBI's liaison with the CIA, Director Hoover ended the FBI's normal liaison with all other agencies except the White House. To help remedy this, an Intelligence Evaluation Committee was created in December 1970. Its members included representatives of the White House, CIA, FBI, NSA, the Departments of Justice, Treasury, and Defense, and the Secret Service.

The Intelligence Evaluation Committee and its staff were instructed to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence. I understand that its activities are now under investigation. I did not authorize nor do I have any knowledge of any illegal activity by this Committee. If it went beyond its charter and did engage in any illegal activities, it was totally without my knowledge or authority.

#### THE SPECIAL INVESTIGATIONS UNIT

On Sunday, June 13, 1971, The New York Times published the first installment of what came to be known as "The Pentagon Papers." Not until a few hours before publication did any responsible Government official know that they had been stolen. Most officials did not know they existed. No senior official of the Government had read them or knew with certainty what they contained.

All the Government knew, at first, was that the papers comprised 47 volumes and some 7,000 pages, which had been taken from the most sensitive files of the Departments of State and Defense and the CIA, covering military and diplomatic moves in a war that was still going on.

Moreover, a majority of the documents published within the first three installments in The Times had not been included in the 47-volume study—raising serious questions about what and how much else might have been taken.

There was every reason to believe this was a security leak of unprecedented proportions.

It created a situation in which the ability of the Government to carry on foreign relations even in the best of circumstances could have been severely compromised. Other governments no longer knew whether they could deal with the United States in confidence. Against the background of the delicate negotiations the United States was then involved in on a number of fronts—with regard to Vietnam, China, the Middle East, nuclear arms limitations, U.S.-Soviet relations; and others—in which the utmost degree of confidentiality was vital, it posed a threat so grave as to require extraordinary actions.

Therefore during the week following the Pentagon Papers publication, I approved the creation of a Special Investigations Unit within the White House—which later came to be known as the "plumbers." This was a small group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters. I looked to John Ehrlichman for the supervision of this group.

Egil Krogh, Mr. Ehrlichman's assistant, was put in charge. David Young was added to this unit, as were E. Howard Hunt and G. Gordon Liddy.

The unit operated under extremely tight security rules. Its existence and functions were known only to a very few persons at the White House. These included Messrs. Haldeman, Ehrlichman, and Dean.

At about the time the unit was created, Daniel Ellsberg was identified as the person who had given the Pentagon Papers to The New York Times. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives. Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment. I did not authorize and had no knowledge of any illegal means to be used to achieve this goal.

However, because of the emphasis I put on the crucial importance of protecting the national security, I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention.

Consequently, as President, I must and do assume responsibility for such actions despite the fact that I at no time approved or had knowledge of them.

I also assigned the unit a number of other investigatory matters, dealing in part with compiling an accurate record of events related to the Vietnam war, on which the Government's records were inadequate (many previous

ligence-gathering capability of the Government regarding demonstrations prevailed through my tenure at the Justice Department and the White House, and I was hearing complaints from the President personally as late as March 12 of this year.

It was when I joined the White House staff in July of 1970 that I became fully aware of the extent of concern at the White House regarding demonstrations and intelligence information relating to demonstrators. It was approximately 1 month after I arrived at the White House that I was informed about the project that had been going on before I arrived to restructure the Government's intelligence-gathering capacities vis-a-vis demonstrators and domestic radicals. The revised domestic intelligence plan was submitted in a document forwarded for the President's approval.

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Senator ERVIN. I believe it is important to read the whole statement since you thought it was important enough to write it.

Mr. DEAN. I will honor the chairman's wish.

1064

space, that a professional intelligence person should be assigned the task of locating such space. Accordingly, I would suggest that a request be made that Mr. Hoover assign an agent to this task. In connection with the housing problem, I think serious consideration must be given to the appropriate Justice Department cover for the domestic intelligence operation. We discussed yesterday using IDIU as a cover and as I indicated I believe that that is a most appropriate cover. I believe that it is generally felt that IDIU is already a far more extensive intelligence operation than has been mentioned publicly, and that the IDIU operation cover would eliminate the problem of discovering a new intelligence operation in the Department of Justice. However, I have reservations about the personnel in IDIU and its present operation activities and would suggest that they either be given a minor function within the new intelligence operation or that the staff be completely removed. I have had only incidental dealings with the personnel, other than Jim Devine, and cannot speak to their discretion and loyalty for such an operation. I do not believe that Jim Devine is capable of any major position within the new intelligence operation. However, I do believe that he could help perpetuate the cover and he has evidenced a loyalty to you, the Deputy and other key people in the Department of Justice, despite his strong links with the prior Administration. I would defer to your judgment, of course, on any recommendation regarding Jim Devine's continued presence in such an intelligence operation.

3. Assistant to Attorney General. We also discussed the need for you to have a right hand man to assist in running this operation. It would seem that what is needed is a man with administrative skills, a sensitivity to the implications of the current radical and subversive movements within the United States, and preferably, some background in intelligence work. To maintain the cover, I would think it appropriate for the man to have a law degree in that he will be a part of the Department of Justice. You suggested the possibility of using a prosecutor who had had experience with cases of this type. Accordingly, I have spoken with Harrington Wood to ask him to submit the names of five Assistant U.S. Attorneys who have had experience in dealing with demonstrations or riot type cases and who are mature individuals that might be appropriately given a sensitive assignment in the Department of Justice. I did not discuss the matter in any further detail with Wood other than to request the submission of some nominees. I would also like to suggest that we request names from the various intelligence agencies involved for personnel that might be appropriately involved in this activity or who might serve as your assistant.

In summary, I recommend the following immediate action:

- (1) You meet with Hoover, explain what must be done, and request his nominees for the interagency unit.
- (2) You request that Hoover assign an agent to the task of locating appropriate housing for the operations.
- (3) I request that other involved intelligence agencies submit nominees for the interagency unit.
- (4) I request from the agencies names of appropriate personnel for assignment to the operation.

Finally, I would suggest that you call weekly meetings to monitor the problems as they emerge and to make certain that we are moving this program into implementation as quickly as possible.

It was signed, and had a note at the bottom.

Bob Haldeman has suggested to me that if you would like him to join you in a meeting with Hoover he will be happy to do so.

Senator WEICKER. Thank you, Mr. Dean.

Now, this, in other words, refers to that portion of your statement yesterday where you say: "I wrote a memorandum requesting that the Evaluation Committee be established and that the strings could be removed later. I told Haldeman that the only way to proceed would be one step at a time and this would be an important first step and he agreed."

Mr. DEAN. That is correct.

I might footnote that with the remark that I was quite aware of a great interest in the matter, and after some discussions with Mr. Huston, who still had a hope that the entire plan would be adopted,

I had reached the conclusion that there was no way the whole plan was going to be adopted and that the only thing that was essential was the IEC and that this would satisfy everybody that we were at least doing something to solve the problem and this was a first step that seemed to solve or to resolve that pressure with everybody.

Senator WEICKER. So, after this memorandum was written, you proceeded to set up the IEC insofar as the structure, the placing of it, in the Internal Security Division, is that correct?

Mr. DEAN. I think what happened is, and I am not terribly familiar with the mechanics of how this actually did occur, I believe that Mr. Mitchell did have a conversation with Mr. Hoover and reached some agreement as to their participation. I don't know how the decision was made to place it in the Internal Security unit, but I did learn about it at some point because they told me they had space that they had set aside in the Internal Security unit's office, which was separate and apart from the Department of Justice, the main Department of Justice.

And I had learned that Mr. Doherty would be sort of the man that would be heading the operation initially.

Senator WEICKER. May I ask you this question in relation to Mr. Doherty?

Was there any discussion at this time about this unit's first head being Mr. Earl Sharp? = Movell Sharp

Mr. DEAN. Yes, there was.

Mr. Ehrlichman was aware of this as well and Judge Sharp, who was a friend of Mr. Ehrlichman's, apparently had been—as I recall, he was an elective judge and he either hadn't been reelected or something of that nature, an appointment had run out, and he was not currently sitting on the bench anywhere, and Mr. Ehrlichman thought this would be an excellent thing for him to do and invited him to come to Washington.

We had a number of meetings on it and the more he looked at it, the less he decided he wanted to get involved in it.

Senator WEICKER. So that the first head was Mr. John Doherty?

Mr. DEAN. I believe that is correct.

Senator WEICKER. Did you hold any discussions in your office with Mr. Sharp or Mr. Doherty relative to the IEC?

Mr. DEAN. I am sure probably with both individuals, yes.

Senator WEICKER. And what other persons would have been present at those meetings?

Mr. DEAN. Well, I can't recall anybody else being present when I talked to Judge Sharp. I know that—I do recall that when he decided that he wasn't interested, because, one, he felt he didn't know much about this field, that he would have a whole education to become acquainted with it—I think he spent a couple of weeks looking into the matter. I think he learned that it was going to be some sort of, going to be a secret operation that he would be running in the Department of Justice and he wanted to be able to explain just what he was doing with people back home and he didn't want to have to say, I can't tell you what I am doing in Washington.

We had a number of discussions about other assignments for him and he did some very valuable legal work for my office in connection with some trade matters that had come to my office for resolution.

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Senator WEICKER. Now, Mr. Dean, then Mr. Doherty was the first head and he was succeeded by whom?

Mr. DEAN. I believe by Mr. Wells.

Senator WEICKER. By Mr. Bernard Wells?

Mr. DEAN. Yes.

Senator WEICKER. All right.

So from the time of your memorandum at the time of your talk with Haldeman as to the setting up of the mechanics of the operation, administering of details of the operation, does it come as any surprise to you, that listed under the Office of Analysis and Planning in the Internal Security Division of the Justice Department as of April 15, 1972, is a listing of Bernard Wells, Executive Director, IDIU, with Mr. James McGrath and Joyce Webb listed under that?

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Is this basically, then, the plan that is suggested in your memorandum to John Mitchell?

The ink marks and the scribbles are mine and my staff's.

Mr. DEAN. I can't glean an awful lot from this chart.

Senator WEICKER. There is no mention of IEC there, is there?

Mr. DEAN. No, there is not, and the documents that all came to me were clearly marked "IEC" on them when they came over.

Senator WEICKER. And they came over from Mr. Wells?

Mr. DEAN. They came over from Mr. Wells.

Senator WEICKER. Would you read to the committee what Mr. Wells is listed as in that document?

Mr. DEAN. Executive Director, IDIU.

Senator WEICKER. You have also stated that to the best of your knowledge, no illegal activities were conducted by the IEC? I would like to get into the matter of your contacts. Let me ask you one question before you go on to your contacts with the Internal Security Division.

Statements have been made that there was a rescission by the President of the 1970 plan. Why all this business?

Mr. DEAN. Well, as I said, at one point—I do not know about the rescission. That is something that I do not know. I knew that there was a squabble going on between principally Mr. Huston, representing the White House, and the FBI. Mr. Huston talked to me on a number of occasions about the matter. I knew that Mr. Mitchell, when I talked with him about it, both telephonically and when I met with him, was opposed to the grand plan that is in that manual, and I think what Mitchell and I decided was the best course was to do the minimum amount possible that might satisfy people that something was being done. And that was to create the IEC.

Senator WEICKER. Now, it is possible, then, that one of two things might have happened. Either there could have been a rescission by the President, the word of which rescission you never received. That is a possibility, is it not?

Mr. DEAN. Well, I note that their memorandum in here that follow the date of the memorandum I sent and memorandum I had not seen, and I recall that Mr. Huston was still trying to do something about this, even after I sent that memorandum.

Senator WEICKER. Yes, but let me—

Mr. DEAN. So to answer your question, it is very possible that I would not have been aware of, in fact, I was not aware at all of a rescission.

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Senator WEICKER. It is also possible there was no rescission.

Mr. DEAN. And I was not aware in full of an approval. I had a general awareness that, you know, I was told to see what you can do to get this plan implemented.

Senator WEICKER. But insofar as your firsthand knowledge, and that is all I am interested in—

Mr. DEAN. Yes, sir.

Senator WEICKER. You did implement the first step of the plan?

Mr. DEAN. That is correct.

Senator WEICKER. Now, could you tell this committee in your own words of any other contacts that you had with the Internal Security Division insofar as information that could have a political value? Did you have any contacts with the Internal Security Division yourself?

Mr. DEAN. As I mentioned in my statement, there was a continual request for information regarding demonstrations and particularly information that would embarrass individuals in connection with their relationship with demonstrators or demonstration leaders. The principal liaison—

Senator WEICKER. Outside of the area of demonstrations, did any information come to you from the Internal Security Division which could have a political value?

Mr. DEAN. I am sure it could have, but without looking at my files, it is impossible for me to remember what might be.

Senator WEICKER. Did you have any direct contact with Division 5 of the FBI?

Mr. DEAN. Division 5 of the FBI?

Senator WEICKER. That is Mr. Sullivan's division.

Mr. DEAN. I knew Mr. Sullivan, but I do not recall having any contact with him when he was at the Internal Security Division.

Senator WEICKER. All right; with the CIA?

Mr. DEAN. No.

Senator WEICKER. With the Metropolitan Police?

Mr. DEAN. I talked to them—in connection with demonstrations, I had a number of conversations with the Metropolitan Police. In fact, I had on my telephone, I had a number of private lines that would go directly to command posts that were concerned with demonstrations. There was one that went to the Defense Department, there was one that went to the Justice Department, to what I should call the old IDIU Unit, which did become operational at demonstration time. I had contact, a telephone line to the Mayor's command post, and one to the Secret Service command post. So during demonstrations, I did receive information from all those places.

Senator WEICKER. To get over this particular area of inquiry, and I do not want to prolong it, insofar as Division 5, the CIA, the Metropolitan Police, military intelligence—

Mr. DEAN. I am not aware of where the intelligence—

Senator WEICKER. Did you receive any information from these entities which was of a political nature—and I do not consider information on demonstrations to be of a political nature; it is something that could be applied to all sides—but that could be useful politically?

Mr. DEAN. Senator, I would like to be able to tell you that I can recall, but I cannot recall and what the answer might be to resolve the question is that the committee might want to go through my files and see what is in there and that would answer the question. Because I have



Mr. MITCHELL. I would not say so, Mr. Thompson, because of the time frame intervening and also the consideration of the Interagency Evaluation Commission—Committee—in the meantime. I think that was somewhat of a self-starter later on caused by events and if I would have to guess, without knowing, it was probably generated about the time of the Pentagon Papers. Now, these are opinions I am giving to you. I have no knowledge on it.

Mr. THOMPSON. You mentioned a field for need of coordination between the intelligence-gathering agencies, is that correct?

Mr. MITCHELL. Yes, sir, I do.

Mr. THOMPSON. Was this just in the White House or was this also in the intelligence community?

Mr. MITCHELL. Well, it was in parts of the intelligence community and it certainly was in the Justice Department. We, as I think I mentioned this morning, found that we were receiving intelligence from quarters where we might not have expected it in connection with anticipation of violent acts in connection with demonstration and at other times just pure violent acts. I mentioned the Alcoholic Tax and Firearms Bureau which had, I thought, quite a very competent intelligence capacity certainly, in connection with some of the problems that we had in the Justice Department. I know that Mr. Hoover and Mr. Helms had broken off their liaison that they had established in connection with the CIA and the FBI. There was great interest in finding a vehicle to reestablish that in a meaningful way, and so that basically the implementation of the Interagency Evaluation Commission was to take personnel from the different intelligence-gathering areas, put them into one room where they could sort out and exchange ideas and, of course, evaluate what intelligence they had. One of the problems that I found in Government was that there was very frequently a great deal of collection of intelligence but the evaluation and dissemination lacked a great deal.

Mr. THOMPSON. Then, was this need for better coordination because of problems that the agencies themselves were having internally or was it because of external considerations, or both?

Mr. MITCHELL. Well, I think I can best answer that to point out that there were many events that happened in this country, including the bombing of the Capitol and other such events that, if we had had appropriate intelligence in advance, we might have been able to prohibit it. I know that in connection with many of the large demonstrations that we had in Washington, while 99 percent of those people who came, came for peaceful protest and to petition their Government, that there was always that lunatic fringe that was bound to and determined to thrash the place and cause damage, and if we had had better intelligence in some of these areas, and I am not excluding them to those but in other areas, but perhaps a great deal of that could have been prevented. That was the basis upon which the Interagency Evaluation Committee was considered in concept and put into place.

Mr. THOMPSON. Let me leave that for a moment and invite your attention to the November 24, 1971, meeting which I believe you had with Mr. Liddy and Mr. Dean when Mr. Dean brought Mr. Liddy to your office.

Mr. MITCHELL. Yes, sir.



28. In the latter part of 1970 the Secret Service installed a wiretap on the telephone of Donald Nixon, the President's brother, in Newport Beach, California, and also instituted physical surveillance. Caulfield was assigned by Ehrlichman to monitor and report to him on the wiretap. Caulfield has testified that the purpose of the surveillance was the concern that Donald Nixon might be involved with persons seeking to use him for improper political influence and thereby embarrass the President. The President has stated that his brother was aware of the surveillance while it was occurring because he asked about it, was told about it, and he approved of it.

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1 Mr. Caulfield. No.

2 Mr. Lackritz. Now, I take it when we talked to you on  
3 September 11, 1973, we were making an effort to determine the  
4 purposes of some checks that Mr. Ragan had written to you.

5 Mr. Caulfield. Yes.

6 Mr. Lackritz. It is our understanding, Mr. Caulfield, that  
7 you are still attempting to refresh your recollection as to the  
8 purpose of those checks.

9 Mr. Caulfield. That's correct.

10 Mr. Lackritz. Okay. I take it, then, at the time when  
11 you are able to determine the purpose of those checks, we will  
12 get into that matter.

13 Mr. Caulfield. Yes, that is correct.

14 Mr. Lackritz. Okay, just for the record, I would like to  
15 note that there are, I believe, approximately eight checks  
16 totaling roughly \$800; does that give you any help in trying to  
17 refresh your recollection?

18 Mr. Caulfield. If I ca- recall specifically what areas  
19 they dealt with, I will come back and be happy to notify the  
20 Committee.

21 Mr. Lackritz. Fine.

22 Now, did you in the White House, in your responsibility,  
23 have any responsibilities for overseeing, keeping tabs on the  
24 activities of the President's brother, Mr. F. Donald Nixon?

25 Mr. Caulfield. Well, I would like to explain my area of

1 involvement with respect to Donald Nixon. Sometime in 1969,  
2 I believe it was October of 1969, it came to my attention that  
3 Mr. Donald Nixon had visited the Dominican Republic with three  
4 other gentlemen; they were the guests of the President of the  
5 Dominican Republic, Balaguer. There were newspaper accounts of  
6 that visit in a Dominican newspaper, which I forwarded to  
7 Mr. Ehrlichman for his information.

8 Approximately a year later, and I have difficulty remembering  
9 the date, Mr. Ehrlichman contacted me and indicated to me that  
10 he wanted me to monitor a project which involved the United  
11 States Secret Service, the idea being that a wiretap was being  
12 placed on the telephone of Mr. Donald Nixon by the Secret Service  
13 with the view of ascertaining whether or not persons of  
14 unsavory character might be attempting to embarrass the President  
15 through his brother Donald.

16 My direction from Mr. Ehrlichman was to monitor the results  
17 of the Secret Service wiretap and report back to him any  
18 information of substantive nature which might indicate that  
19 the President's brother was being embarrassed, or attempts  
20 were being made to use Mr. Nixon to embarrass the President of  
21 the United States.

22 I did in fact confer with the Secret Service on this  
23 matter, and they reported to me verbally the results of the wire-  
24 tap that was installed out in Newport Beach, and I reported back  
25 the general substance of the results of the wiretap.

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1 After approximately three weeks the Secret Service people  
2 indicated there was nothing of any substance coming across the  
3 wiretap, and made a suggestion to me which I concurred with, that  
4 the wiretap should be terminated. I so advised Mr. Ehrlichman,  
5 and he agreed it should be terminated. As I recall, the time  
6 frame was approximately a three-week period. That would make  
7 it sometime in 1970, and I for the life of me can't remember  
8 the dates.

9 Mr. Lackritz. All right. Now, going back to the first  
10 information from which you learned of Mr. Nixon's trip to the  
11 Dominican Republic, how did you come across this information  
12 initially?

13 Mr. Caulfield. From Mr. Juliano, James Juliano, who was  
14 a sugar lobbyist for the Dominican Republic, brought it to my  
15 attention. There had been an article in the Dominican newspapers  
16 mentioning that Donald Nixon had visited the Dominican Republic.  
17 I asked him if he could get me copies of the newspapers carrying  
18 that story, he did; and I transmitted them to Mr. Ehrlichman.

19 Mr. Lackritz. Did you know that Mr. Ehrlichman at that time  
20 had responsibilities for overseeing Mr. Donald Nixon's activities?

21 Mr. Caulfield. Well, I knew that was the way to get it  
22 possibly to the attention of the President, and I gave it to  
23 Mr. Ehrlichman with that in mind.

24 Mr. Lackritz. Well, prior to that, did Mr. Ehrlichman ask  
25 you to keep track of any information that you could learn about

1 Mr. Caulfield. Prior to that I had no involvement with the  
2 President's brother, or keeping track of the President's brother,  
3 anything of that nature. This was just a piece of intelligence  
4 information that I felt belonged with Mr. Ehrlichman.

5 Mr. Lackritz. I see. Do you have any recollection of any  
6 of the individuals who accompanied Mr. Nixon on the trip to the  
7 Dominican Republic?

8 Mr. Caulfield. As I recall, there were three people,  
9 I think one of them was Mr. Mevers -- Meier 21 Mar 9701

10 Mr. Lackritz. Is this John Meyers?

11 Mr. Caulfield. I believe John Meyers and another gentleman  
12 from the Democratic National Committee -- formerly of the  
13 Democratic National Committee.

14 Mr. Lackritz. Mr. Napolitan?

15 Mr. Caulfield. Yes, Joseph Napolitan; and there was  
16 another gentleman and I can't remember --

17 Mr. Lenzner. Tony Hatsis, does that ring a bell?

18 Mr. Caulfield. It rings a bell, I can't say for sure.  
19 I remember Mr. Meyers and Mr. Napolitan.

20 Mr. Lenzner. Did you become aware at some time that Mr.  
21 Ehrlichman had responsibilities to supervise F. Donald Nixon's  
22 financial activities?

23 Mr. Caulfield. No, I had no knowledge of Mr. Ehrlichman's  
24 supervising his financial activities. I knew if there were to  
25 be any problems arising out of Mr. Donald Nixon's associates. 511

1 Mr. Ehrlichman would have been the one to transmit it to; but  
2 I had no specific information about Mr. Ehrlichman being charged  
3 with supervision of his financial situation.

4 Mr. Lenzner. Did you get any reaction to the initial memo  
5 from Mr. Ehrlichman?

6 Mr. Caulfield. Other than interest, no. I mean, I  
7 am trying to recall; I remember transmitting it as a memo, and  
8 I don't recall if I had a conversation. I probably called him  
9 up and indicated that I had this, and I would send it over.

10 Mr. Lenzner. Did he indicate that he had already received  
11 this information with regard to this trip, and discuss that  
12 information with you?

13 Mr. Caulfield. No.

14 Mr. Lenzner. Do you know what stimulated Mr. Ehrlichman's  
15 desire to have this project begun on Mr. Nixon's phone?

16 Mr. Caulfield. No, that has always been a mystery to me,  
17 exactly why at the particular time. I can't recall the date,  
18 the best I can do is put it a year after the transmittal of the  
19 newspaper accounts. But what precipitated it, I don't know.

20 Mr. Lenzner. Was the tap placed on his home phone in  
21 Newport Beach?

22 Mr. Caulfield. That's what I was led to believe.

23 Mr. Lenzner. Did you ever see the log of the surveillance?

24 Mr. Caulfield. I don't believe I have ever seen the logs.  
25 What was shown to me by the Secret Service was some photographs



1 of Mr. Donald Nixon at an airport.

2 Mr. Lenzner. Orange County Airport?

3 Mr. Caulfield. That rings a bell. Getting on a plane, or  
4 meeting some people at a plane. I do recall it was out in  
5 California, I didn't recall it was Orange County. And there  
6 was a question as to who these people were in the photograph.  
7 There was Mr. Nixon and some other people, and I just don't  
8 recall who they were, very frankly.

9 Mr. Sears. But you did not see the logs of the wiretaps.

10 Mr. Caulfield. No, I didn't see the logs of the wiretaps.  
11 The assignment indicated that I would report to Ehrlichman  
12 anything of substance that was to come over the wiretaps. I had  
13 conversations with members of the Secret Service, and they would  
14 indicate to me what the substance of those conversations was.  
15 As I previously indicated, there was nothing of any substance that  
16 would have justified a continuation of the wiretap.

17 Mr. Lenzner. Was physical surveillance conducted of Mr.  
18 Donald Nixon?

19 Mr. Caulfield. I recall that there was some physical  
20 surveillance by the Secret Service. What it entailed, and how  
21 it was done I do not know. But, I do recall some physical  
22 surveillance in the vicinity of the residence.

23 Mr. Sears. I think it is fair to say that Mr. Caulfield  
24 assumed there was because of the fact he saw pictures and you  
25 would have to have physical surveillance to be able to take SB

1 pictures. I don't know that he knows of his own knowledge just  
2 what kind of surveillance was going on; is that correct?

3 Mr. Caulfield. I would say that is substantially correct.

4 Mr. Lenzner. Well, did you receive information with  
5 regard to meetings Mr. Donald Nixon was having that didn't come  
6 off the wire?

7 Mr. Caulfield. If I did, I don't remember at this time.  
8 I recall one picture at the airport in California, I believe,  
9 of Donald Nixon with two, or three individuals in the vicinity  
10 of a plane; that is all I remember about it.

11 Mr. Lenzner. And was that picture taken by a Secret  
12 Service agent, do you know?

13 Mr. Caulfield. I assume it was.

14 Mr. Lenzner. And it appeared in nature to be a surveillance  
15 photograph?

16 Mr. Caulfield. Again, I would have to assume.

17 Mr. Lenzner. You were not advised, or were you advised;  
18 or don't you recall whether it was a surreptitious photograph?

19 Mr. Caulfield. Just how the hell -- I don't recall just  
20 exactly how it was presented. I remember being shown the  
21 photograph that was in a file having to do with Donald Nixon;  
22 and I assume it would have been a surreptitious photograph.

23 Mr. Lenzner. And was any effort made to identify the  
24 other individuals?

25 Mr. Caulfield. Yes, the Secret Service was attempting

1 to identify them; and if they knew who they were and told me,  
2 I don't recall who the persons were at this time.

3 Mr. Lenzner. Well, were you asked to make any effort to  
4 help identify them?

5 Mr. Caulfield. I may have expressed an interest in who  
6 they were, yes.

7 Mr. Sears. The question was, were you asked.

8 Mr. Caulfield. Was I asked to identify them by whom?

9 Mr. Lenzner. The Secret Service.

10 Mr. Caulfield. No, I was not asked to identify them by  
11 the Secret Service.

12 Mr. Lenzner. Did you make any effort to show that  
13 photograph to anybody else?

14 Mr. Caulfield. No.

15 Mr. Lenzner. To Mr. Ehrlichman, it was not transmitted to  
16 Mr. Ehrlichman?

17 Mr. Caulfield. If it was, it wasn't by me.

18 Mr. Lenzner. Did you later learn that Mr. Johnny Meyers  
19 and Tony Matsis were among the individuals at the airport?

20 Mr. Caulfield. See, I got a problem in this context  
21 I associate Johnny Meyers with the newspaper articles. Tony  
22 Matsis name rings a bell, but I don't tie it in to the photograph  
23 My recollection would be that they would have been tied in with  
24 the visit to the Dominican Republic. Now, whether they were  
25 the individuals in the photograph I cannot say here today.

1 Mr. Lenzner. Do you have any recollection of Mr. Ehrlichman  
2 having an FBI check run on Mr. Hatsis?

3 Mr. Caulfield. No, I do not.

4 Mr. Lenzner. Was Mr. F. Donald Nixon aware of the physical,  
5 or electronic surveillance, to your knowledge?

6 Mr. Caulfield. I have no way of knowing that. Mr.  
7 Ehrlichman didn't go into the specifics of what he considered  
8 to be the overriding interest in Donald Nixon, and I didn't  
9 inquire because I did not feel that was my area.

10 My function was to keep Mr. Ehrlichman apprised of anything  
11 that appeared to be of substantive nature with regard to  
12 unsavory people connected, that might be connected with Donald  
13 Nixon.

14 Mr. Lenzner. How could you have identified them as  
15 unsavory characters?

16 Mr. Caulfield. I would have hoped the Secret Service  
17 might provide me with that information.

18 Mr. Lenzner. Did they ever give you names of individuals  
19 they checked out and found to be unsavory?

20 Mr. Caulfield. They gave me the name of an individual,  
21 and I testified I tried to recall the name?

22 Mr. Lenzner. Do you remember whether the files were main-  
23 tained by the Secret Service, or the White House?

24 Mr. Caulfield. They were Secret Service files.

25 Mr. Lenzner. Did you report verbally, or in writing to

1 Mr. Ehrlichman?

2 Mr. Caulfield. Verbally.

3 Mr. Lenzner. And do you know whether a file was maintained  
4 in the White House on Donald Nixon?

5 Mr. Caulfield. I have no way of knowing that, I didn't  
6 maintain a file.

7 Mr. Lenzner. Do you know whether Rosemary Woods maintained  
8 a file, or had any responsibility for F. Donald Nixon?

9 Mr. Caulfield. No knowledge at all.

10 Mr. Lenzner. Did you, yourself, have a file on F. Donald  
11 Nixon in your office?

12 Mr. Caulfield. Not a file as such, I might have had a memo  
13 or two that I could have sent to Mr. Ehrlichman. But as to a  
14 file, I wouldn't classify it as a file. Probably the memos  
15 you have there.

16 Mr. Lackritz. Who were the individuals in the Secret  
17 Service that you were dealing with on this question of the  
18 surveillance of Mr. Nixon?

19 Mr. Caulfield. Off the record a moment.

20 (Discussion off the record.)

21 Mr. Caulfield. Again I have the same problems, not as  
22 great as we discussed earlier with the Joseph Kraft matter.  
23 Could we do this, could we handle the names of these individuals  
24 in the same manner?

25 Mr. Lenzner. I have no objection to that, we will pursue

1 of Joseph Kraft, surveillance of that nature.

2 Mr. Caulfield. I never discussed the surveillance of  
3 Joseph Kraft with anyone other than Mr. Ehrlichman at the  
4 White House.

5 Mr. Boggs and I had quite a bit of contact on the  
6 demonstrations and the anti-war groups in the vicinity of the  
7 White House; but as far as political figures, the answer would  
8 be no.

9 Mr. Lenzner. Well, in regard with the demonstrations, did  
10 you have discussions about physical or electronic surveillance  
11 with regard to people involved in demonstrations?

12 Mr. Caulfield. No, by that I mean I was the liaison at  
13 one time for the White House. At one time most of my time in  
14 the White House was in connection with anti-war activities.  
15 When you mention Secret Service, that would have to do with the  
16 security at the White House complex. I would be designated  
17 White House staff member to be present at the command post at  
18 the White House.

19 Mr. Lenzner. I understand that. My question was, did you  
20 ever discuss with Boggs physical or electronic surveillance  
21 of, say, leaders of demonstrations?

22 Mr. Caulfield. No.

23 Mr. Lackritz. I have a few questions about the purpose  
24 of this project that the Secret Service was implementing. As  
25 I understand, Mr. Caulfield, the Secret Service had placed this

1 electronic surveillance on Mr. Nixon's home phone to determine  
2 if there were any individuals who might be in contact with Mr.  
3 Nixon, who might subsequently be an embarrassment to the  
4 President; is that correct?

5 Mr. Caulfield. That is the sum and substance, as I under-  
6 stood it, yes.

7 Mr. Lackritz. And that was the primary substance of the  
8 surveillance, as you understood it.

9 Mr. Caulfield. Yes. Now, I want to qualify that this way  
10 As I indicated earlier, I was not privy to any decision-making  
11 which would have precipitated this ongoing interest in Donald  
12 Nixon.

13 I took particular note of the fact that there might have  
14 well been a number of things happening with respect to Donald  
15 Nixon that properly did not belong in my area, or that I should  
16 have knowledge of. I accepted that and performed my role as  
17 I was directed by Mr. Ehrlichman.

18 Now, it may well be that there were all kinds of things  
19 going on, and I have no knowledge of them.

20 Mr. Lackritz. Sure, but I am limiting my question now to  
21 your assignment. Your assignment was to insure there were no  
22 unsavory characters who attempted to use Mr. Nixon.

23 Mr. Caulfield. My function was to forward to Mr. Ehrlichman  
24 the results of this wiretap that was being conducted out there  
25 in California, see, if there was any information that would

1 be indicating that persons of unsavory nature were involved with  
2 Donald Nixon; that was the substance of the assignment.

3 Mr. Lackritz. All right. Now, were you aware of any other  
4 wiretaps that were placed, of similar nature, during your tenure  
5 at the White House?

6 Mr. Caulfield. In the context with political figures?

7 Mr. Lackritz. Or relative to the President.

8 Mr. Caulfield. No, I was not.

9 Mr. Lackritz. Were you aware of any other physical  
10 surveillance that was implemented on relatives of the President  
11 or other individuals that were close to the President's family?

12 Mr. Caulfield. No.

13 Mr. Lackritz. Were you aware of physical surveillance  
14 implemented by the Secret Service of an individual named  
15 Michael Gill?

16 Mr. Caulfield. I know the name Michael Gill, and I know  
17 he is a relative of Mrs. Eisenhower. I know of no surveillance,  
18 or any activity in connection with him.

19 Mr. Lackritz. Did Ehrlichman ever ask you to participate  
20 or oversee, or keep tabs on a project concerning Mr. Gill?

21 Mr. Caulfield. The only thing about Mr. Gill that I can  
22 recall, early after arriving at the White House there was  
23 information that he might have been associated with some people  
24 from Zambia. I recall either sending a memo to Mr. Ehrlichman,  
25 or speaking with him about the associations with Mr. Michael Gill



*Administration of Richard Nixon*

# PRESIDENTIAL DOCUMENTS

*Week Ending Saturday, November 24, 1973*

## Upper Great Lakes Regional Commission

*Announcement of Intention To Nominate  
Raymond C. Anderson To Be Federal Cochairman.  
November 16, 1973*

The President today announced his intention to nominate Raymond C. Anderson, of Maple City, Mich., to be Federal Cochairman of the Upper Great Lakes Regional Commission. He will succeed Thomas F. Schweigert, who became Alternate Federal Member of the Delaware River Basin Commission on September 6, 1973.

From 1969 to 1971, Mr. Anderson served as executive assistant to Michigan Gov. William G. Milliken. He has been retired since 1971 and was also retired from 1964 to 1969. From 1959 to 1964, he served as administrative assistant to then-Congressman Robert P. Griffin, from 1952 to 1959, he was administrative assistant to Senator Charles E. Potter of Michigan, and he was administrative assistant to Congressman Roy O. Woodruff of Michigan from 1937 to 1944 and from 1946 to 1952.

He was born on March 5, 1912, in Grand Rapids, Mich. Mr. Anderson was graduated from Grand Rapids Junior College in 1932. From 1944 to 1946, he served as an officer in the U.S. Navy.

NOTE: The announcement was released at Key Biscayne, Fla.

## Associated Press Managing Editors Association

*The President's Remarks in a Question-and-Answer  
Session at the Association's Annual Convention in  
Orlando, Florida. November 17, 1973*

THE PRESIDENT. President Quinn and ladies and gentlemen:

When Jack Horner,<sup>1</sup> who has been a correspondent in Washington and other places around the world, retired after 40 years, he once told me that if I thought that the White House Press Corps answered (asked) tough questions, he (I) should hear the kind of questions the managing editors asked him. Consequently, I welcome this opportunity tonight to meet with the managing editors of the Nation's newspapers.

I will not have an opening statement because I know, with 400 of you, it will be hard to get through all of the questions you have, and I understand the President has a prerogative of asking the first question.

Mr. Quinn [John C. Quinn, Gannett Newspapers, and president, Associated Press Managing Editors Association]

### WATERGATE AND THE FUTURE

Q. Mr. President, this morning, Governor Askew of Florida addressed this group and recalled the words of Benjamin Franklin. When leaving the Constitutional Convention he was asked, "What have you given us, sir, a monarch or a republic?" Franklin answered, "A republic, sir, if you can keep it."

Mr. President, in the prevailing pessimism of the lingering matter we call Watergate, can we keep that republic, sir, and how?

THE PRESIDENT. Well, Mr. Quinn, I would certainly not be standing here answering these questions unless I had a firm belief that we could keep the republic, that we must keep it, not only for ourselves, but for the whole world. I recognize that because of mistakes that were made, and I must take responsibility for those mistakes, whether in the campaign or during the course of an administration, that there are those who wonder whether this republic can survive. But I also know that the hopes of the whole world for peace, not only now, but in the years to come, rests in the United States of America. And I can assure you that as long as I am physically able to handle the position to which I was elected, and then reelected last November,

<sup>1</sup> Gannett D. (Jack) Horner was a reporter with the Washington Star from 1937 until his retirement in November 1973. Since 1974 he was White House correspondent for that newspaper.

The newspapers did much better than television in that respect, I should point out.

And second, they said, "How is it that as far as this money is concerned, how is it possible for you to have this kind of investment when all you earned was \$800,000 as President?"

Well, I should point out I wasn't a pauper when I became President. I wasn't very rich as Presidents go. But you see, in the 8 years that I was out of office—first, just to put it all out and I will give you a paper on this, we will send it around to you, and these figures I would like you to have, not today, but I will have it in a few days—when I left office after 4 years as a Congressman, 2 years as a Senator, and 8 years at \$45,000 a year as Vice President, and after stories had been written, particularly in the Washington Post to the effect that the [Vice] President had purchased a mansion in Wesley Heights and people wondered where the money came from, you know what my net worth was? Forty-seven thousand dollars total, after 14 years of Government service, and a 1958 Oldsmobile that needed an overhaul.

Now, I have no complaints. In the next 8 years, I made a lot of money. I made \$250,000 from a book and the serial rights which many of you were good enough to purchase, also. In the practice of law—and I am not claiming I was worth it, but apparently former Vice Presidents or Presidents are worth a great deal to law firms—and I did work pretty hard.

But also in that period, I earned between \$100,000 and \$250,000 every year. So that when I, in 1968, decided to become a candidate for President, I decided to clean the decks and to put everything in real estate. I sold all my stock for \$300,000—that is all I owned. I sold my apartment in New York for \$300,000—I am using rough figures here. And I had \$100,000 coming to me from the law firm.

And so, that is where the money came from. Let me just say this, and I want to say this to the television audience: I made my mistakes, but in all of my years of public life, I have never profited, never profited from public service—I have earned every cent. And in all of my years of public life, I have never obstructed justice. And I think, too, that I could say that in my years of public life, that I welcome this kind of examination, because people have got to know whether or not their President is a crook. Well, I am not a crook. I have earned everything I have got.

#### SURVEILLANCE OF THE PRESIDENT'S BROTHER

Q. Mr. President. Harry Rosenfeld of the Washington Post. Sir, there have been reports that the Secret Service was asked, at your direction or authorization, to tap the telephone of your brother, Donald Nixon. Is this true, sir, and if so, why?

THE PRESIDENT. That, of course, is a question that has been commented upon before. It will not take long to respond to it.

The Secret Service did maintain a surveillance. They did so for security reasons, and I will not go beyond that. They were very good reasons, and my brother was aware of it.

And may I say, too, to my friend from the Washington Post, I like your sport page. [Laughter] And make sure [Shirley] Povich isn't paid too much for what I just said then.

Q. Sir, Edward Miller [Call-Chronicle Newspapers], Allentown, Pennsylvania. Was your brother aware before, or after, the fact of the surveillance?

THE PRESIDENT. Before or after the fact?

Q. Yes.

THE PRESIDENT. He was aware during the fact, because he asked about it, and he was told about it. And, he approved of it. He knew why it was done.

Q. Excuse me. Does it make any sense to conduct surveillance when somebody knows about it?

THE PRESIDENT. Does it make any sense? Certainly. The surveillance involved not what he was doing; the surveillance involved what others who were trying to get him, perhaps, to use improper influence, and so forth, might be doing, and particularly anybody who might be in a foreign country.

#### COMMUNICATION OF THE FACTS

Q. Is some of this a full story that you say you can't say now today because of national security? Have you told that to Congressmen or anyone else? Will this story come out in the next few weeks, as you present more of the facts?

THE PRESIDENT. Yes, as a matter of fact, I should tell all of the editors—and I don't want to leave any implication that you have not tried to publish as much as you could—you have just got so much room in your newspapers, but I do want you to know that—well, since you haven't raised some of these subjects, I will raise them myself—ITT; how did we raise the price of milk—I wish somebody would ask me that one; and who else wanted it raised? What about the situation with regard to the \$1 million secret stock portfolio that you have; a few of those things. I think all of those things need to be answered, and answered effectively, and I think the best way to answer them—twofold:

One, obviously through the medium of a televised conference like this; but two, through sending to the editors of the Nation's newspapers, all 10,000 of them, the facts. I trust that you will use them. And if you don't believe them, I don't mean—what I mean, I am not suggesting that you wouldn't believe them—but if you feel you need more information, write to me and I will give it to you. I want the facts out, because the facts will prove that the President is telling the truth.